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1571

THE

MISCELLANEOUS DOCUMENTS

OF

THE HOUSE OF REPRESENTATIVES

FOR THE

THIRD SESSION OF THE FORTY-SECOND CONGRESS.

1872-'73.

IN FIVE VOLUMES.

Volume 1....No. 1 to No. 25, inclusive.
Volume 2....No. 26 to No. 99, inclusive.
Volume 3....No. 100 to No. 112, except No. 109.
Volume 4....No. 109, Index to Private Claims, 32d to 41st Congress.
Volume 5....No. 113, Darien Survey.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1873.

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TO

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42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 1.

A LIST

OF

REPORTS TO BE MADE TO CONGRESS

DURING THE

THIRD SESSION OF THE FORTY-SECOND CONGRESS

BY

PUBLIC OFFICERS.

PREPARED,

IN OBEDIENCE TO A STANDING ORDER OF THE HOUSE, BY THE CLERK OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 2, 1872.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

EXTRACT FROM THE RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

"It shall be the duty of the Clerk to make, and cause to be printed and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or Department of the Government to make to Congress; referring to the act or resolution, and page of the volume of the laws or journal in which it may be contained, and placing under the name of each officer a list of reports required of him to be made, and the time when the report may be expected."

LIST OF REPORTS

To be made to Congress at the third session of the Forty-second Congress by public officers; prepared in obedience to a standing rule of the House of Representatives.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE PRESIDENT OF THE UNITED STATES.			
	Annual.			
1792, April 2	A statement of the amount, with a description of the coin struck at the mint during the year 1871.	Statutes at Large, volume 1.	249	In January.
1829, March 3	The affairs of the penitentiary in the District of Columbia	Statutes at Large, volume 4.	366	In January.
1846, August 6	Transfers of appropriations for particular branch of naval service to other branches of said service.	Statutes at Large, volume 9.	101	Before the adjournment, if transferred during the session; if transferred during the recess, the first week of the next session.
1865, March 3	Report of the Commissioner of Freedmen's Affairs, with exhibit of the state of his accounts	Statutes at Large, 2d session 38th Congress.	508	No time specified.
1866, July 26	A report of the commissioners appointed to examine into the claim of the State of Massachusetts for moneys expended for coast defense during the war.	Statutes at Large, 1st session 39th Congress.	367	During the session.
1867, March 2	A report to the Senate of the suspension of any civil officer, with the evidence and reason for his action in the case and the name of the person so designated to perform the duties of such office.	Statutes at Large, 2d session 39th Congress.	62	Within twenty days after the first day of next meeting of the Senate.
1868, July 27	Directed, whenever it is known that any citizen of the United States has been unjustly deprived of his liberty by or under authority of any foreign government, to demand of that government the reasons of his imprisonment, and, if it appears in violation of the rights of American citizenship, the release of such citizen shall be demanded, and, if such release is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain such release, and all acts and proceedings relative thereto shall be communicated to Congress.	Statutes at Large, 2d session 40th Congress.	200	No time specified.
1869, March 3	Report the number of desks in his department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, April 10	A report of the expenditure under the appropriation to enable the President to maintain peace with the various tribes of Indians.	Statutes at Large, 1st session 41st Congress.	191	In December.
1870, July 11	A report of the names of consular agents appointed, and the amount paid to each, together with the reports of such agents.	Statutes at Large, 2d session 41st Congress.	221	Commencement of the session.
1870, July 1	A report relative to the Umatilla Indians in Oregon	Statutes at Large, 2d session 41st Congress.	384	No time specified.
1871, Feb. 21	A report of the board of public works of the District of Columbia of their transactions during the preceding year.	Statutes at Large, volume 16.	427	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	Special.			
1872, June 1	To report all proceedings under the "act to authorize the President of the United States to negotiate with the chief and head-men of the Shoshone and Bannock tribe of Indians for the relinquishment of a portion of their reservation in Wyoming Territory."	Statutes at Large, 2d session 42d Congress.	226	No time specified.
	BY THE SECRETARY OF STATE.			
	Annual.			
1798, July 6 1799, March 2	Abstracts of the returns made by collectors of the registered seamen of the United States.	Statutes at Large, volume 1.	696 729	Early in January.
1819, March 2	A list of passengers arriving in the United States from foreign countries during the year 1871.	Statutes at Large, volume 3.	489	Early in February.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the State Department, showing to whom payments were made, and for what, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statements of all moneys expended by disbursing officers, acting under the orders of the State Department during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 1842, Aug. 26	The names of the clerks and all other persons employed in the Department of State, or any of its offices, during the year 1871, or any part thereof, with the time each was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3 Statutes at Large, volume 5.	447 525	In January.
1856, Aug. 18	A report of all the fees collected and accounted for by consuls, vice-consuls, commercial agents, and vice-commercial agents.	Statutes at Large, volume 11.	58	During the session.
1856, Aug. 18	A report of the commercial information communicated by the diplomatic and consular officers severally.	Statutes at Large, volume 11.	60	During the session.
1866, July 5	A detailed statement of the manner in which the expenditures are made by the general agent at New York and commissioner general at Paris, as provided for in the joint resolution "to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867."	Statutes at Large, 1st session 39th Congress.	363	No time specified.
1869, March 3	Report the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First Monday in December.
1872, Feb. 2	A statement of the expenditure of the money under "An act in relation to the embassy from Japan."	Statutes at Large, 2d session 42d Congress.	12	No time specified.

BY THE SECRETARY OF THE TREASURY.

Annual.

1789, Sept. 2 1800, May 10	A report upon the state of the finances, embracing a general view of the revenue and expenditures of the United States for the years 1871 and 1872.	Statutes at Large, volume 1. Statutes at Large, volume 2.	65 79	Early in December.
1789, Sept. 2 1800, May 10 1812, Aug. 26	An estimate of the appropriations necessary to be made for the service of the year ending June 30, 1873, with a statement of the appropriations heretofore made, applicable to the service of this year, and a statement of the appropriations of former years, with an estimate of those sums which will not be required to defray expenses incurred in a former year; in which are to be specified the sources from which the estimates are derived and the calculations upon which they are founded, discriminating between such as are conjectural and such as are not conjectural, with the authority for the estimate.	Statutes at Large, volume 1. Statutes at Large, volume 2. Statutes at Large, volume 5.	65 79 537	Commencement of the session.
1791, Dec. 30	An account of the receipts and expenditures of the United States for the year ended June 30, 1871.	House Journal.....	68	Early in December.
1792, Apr. 2	An account of the receipts and expenditures at the Mint, with an account of its transactions during the year 1871.	Statutes at Large, volume 1.	249	In February.
1806, Apr. 10 1834, June 25 1834, June 28 1843, Mar. 3	Statement of the result of the assays made at the Mint in 1871 of certain foreign gold and silver coins.	Statutes at Large, volume 2. Statutes at Large, volume 4. Statutes at Large, volume 4. Statutes at Large, volume 5.	347 681 607	Early in January.
1808, Apr. 21	Statement of contracts and purchases made by the collectors for the revenue service of 1871.	Statutes at Large, volume 2	485	Early in January, and are generally included in one report.
1808, Apr. 21	Statement of contracts made by direction of the Treasury Department in 1871.....	Statutes at Large, volume 2.	485	
.....	Statement of the amount of the expenditures for the relief of sick and disabled seamen in 1871.	.....	....	
1809, Mar. 3	Statement of the payments made at the Treasury in 1871 for the discharge of miscellaneous claims not otherwise provided for.	Statutes at Large, volume 2.	536	No time specified.
1810, May 1	Statement of disbursements from the Treasury in 1871 for expenses of intercourse with the Barbary powers.	Statutes at Large, volume 2.	609	In February.
1817, Mar. 3	Statement of the affairs and condition of the several banks in the District of Columbia on the 31st of December, 1871.	Statutes at Large, volume 3.	387	In January.
1820, Feb. 10 1830, May 26 1842, Aug. 26	Statement showing the commerce and navigation of the United States for the year ended June 30, 1871.	Statutes at Large, volume 3. House Journal..... Statutes at Large, volume 5.	541 608 537	First Monday in December.
1831, May 2 1833, July 14	Names of applicants for the benefit of the act for the relief of certain insolvent debtors; the amount due; the names of those who may have been released, with the terms of compromise.	Statutes at Large, volume 4. Statutes at Large, volume 4.	469 595	During the session.
1832, July 10	Statements of the capital, circulation, discounts, specie, deposits, and condition of the State banks.	House Journal.....	1110 1117	During the session.
1836, Apr. 20	An account of the fund arising from the sale of lands under certain treaties with the Chickasaw Indians.	Statutes at Large, volume 5.	10	During the session.
1842, Aug. 26	A full and detailed statement of the expenditures of the contingent fund of the several offices of the Treasury Department, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statements of all moneys expended by disbursing officers acting under orders of the Secretary of the Treasury during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 1842, Aug. 26	The names of all clerks and other persons who have been employed in the Treasury Department during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each; also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of	Statutes at Large, volume 3. Statutes at Large, volume 5.	447 525	In January.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	Special.			
1872, June 1	To report all proceedings under the "act to authorize the President of the United States to negotiate with the chief and head-men of the Shoshone and Bannock tribe of Indians for the relinquishment of a portion of their reservation in Wyoming Territory."	Statutes at Large, 2d session 42d Congress.	226	No time specified.
	BY THE SECRETARY OF STATE.			
	Annual.			
1798, July 6 1799, March 2	Abstracts of the returns made by collectors of the registered seamen of the United States..	Statutes at Large, volume 1.	696 729	Early in January.
1819, March 2	A list of passengers arriving in the United States from foreign countries during the year 1871.	Statutes at Large, volume 3.	489	Early in February.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the State Department, showing to whom payments were made, and for what, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statements of all moneys expended by disbursing officers, acting under the orders of the State Department during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 [illegible], Aug. 26	The names of the clerks and all other persons employed in the Department of State, or any of its offices, during the year 1871, or any part thereof, with the time each was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his [illegible]ppointment.	Statutes at Large, volume 3. Statutes at Large, volume 5.	447 525	In January.
	[illegible]port of all the fees collected and accounted for by consuls, vice-consuls, commercial [illegible]ents, and vice-commercial agents.	Statutes at Large, volume 11.	58	During the session.
	[illegible]ort of the commercial information communicated by the diplomatic and consular offi[illegible] severally.	Statutes at Large, volume 11.	60	During the session.
	[illegible]ailed statement of the manner in which the expenditures are made by the general [illegible]t at New York and commissioner general at Paris, as provided for in the joint res[illegible] "to enable the people of the United States to participate in the advantages of the [illegible] Exhibition at Paris in 1867."	Statutes at Large, 1st session 39th Congress.	363	No time specified.
	[illegible]aber of desks in his Department, the number of clerks, the number employed [illegible] the preceding fiscal year, when employed, and when discharged, and the [illegible]ation received by each, and what reduction, if any, can be made in [illegible]n each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
	[illegible] of the United States in the public buildings and grounds belong[illegible] the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First Monday in December.
	[illegible]re of the money under "An act in relation to the embassy from [illegible]	Statutes at Large, 2d session 42d Congress.	12	No time specified.

BY THE SECRETARY OF THE TREASURY.

Annual.

...he finances, embracing a general view of the revenue and ex-	Statutes at Large, volume 1.	65	Early in December.
...tates for the years 1871 and 1872.	Statutes at Large, volume 2.	79	
...tions necessary to be made for the service of the year ending	Statutes at Large, volume 1.	65	Commencement of the ses-
...ent of the appropriations heretofore made, applicable to the	Statutes at Large, volume 2.	79	sion.
...ment of the appropriations of former years, with an estimate	Statutes at Large, volume 5.	537	
...be required to defray expenses incurred in a former year;			
...the sources from which the estimates are derived and the			
...are founded, discriminating between such as are conject-			
...ctural, with the authority for the estimate.			
...expenditures of the United States for the year ended June	House Journal	68	Early in December.
...and expenditures at the Mint, with an account of its transac-	Statutes at Large, volume 1	249	In February.
...The assay book at the Mint in 1871 of certain foreign gold and	Statutes at Large, volume 2	347	Early in January.
	Statutes at Large, volume 4	681	
	Statutes at Large, volume 4.	.....	
	Statutes at Large, volume 5	607	
...the collection of the revenue service for 1871	Statutes at Large, volume 9	185	Early in January and are generally included in one report
...Treasury Department in 1871	Statutes at Large, volume 9	495	
...disabled seamen in			
...at interest	Statutes at Large, volume 9	640	No time specified
...with the	Statutes at Large, volume 9	600	In February
1799, March 2	Statutes at Large, volume 4	464	In January
1809, March 3	Statutes at Large, volume 4	511	First Monday in December
1817, March 3			
1743, Jan. 28			During the ...
1843, Jan. 28			

Annual.

2	Statement of his accounts, with an account of the state of the Treasury		
2	Statements of receipts and disbursements of the Post-Office establishment	Statute...	

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.			
1844, June 17	Reasons for any changes that may have been made in the depositories of the Treasury during the recess of Congress.	Statutes at Large, volume 5.	696	Next session.
1846, Aug. 6	Regulations to give full effect to and secure a just accountability under the warehousing system.	Statutes at Large, volume 9.	55	Next session after any such regulations are made.
1846, Aug. 7	Cases of neglect, evasion, or violation of the eighteenth and nineteenth sections of the independent Treasury act.	Statutes at Large, volume 9.	64	Commencement of the session.
1846, Aug. 10	Statement of stolen uncanceled Treasury notes paid	Statutes at Large, volume 9.	107	With annual report of Secretary of the Treasury.
1847, Jan. 28	Amount of Treasury notes issued under act of January 28, 1847; amount redeemed, purchased, reissued, &c.	Statutes at Large, volume 9.	122	Commencement of the session.
1849, Mar. 3	A statement of the amount of money expended at each custom-house in the United States, and the number of persons employed, and the occupations and salary of each person.	Statutes at Large, volume 9.	399	During the session.
1853, Mar. 3	A report of the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind paid them, for what purpose, and the length of time employed; and to report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey; also, a general chart of the whole coasts of the United States, &c.	Statutes at Large.....	209	In December.
1863, Mar. 3	A report of the number of proceedings and suits commenced, pending, and determined, for frauds upon the revenue, and a statement of all moneys received by the Solicitor of the Treasury and each district attorney.	Statutes at Large, volume 12	741	During the session.
1866, April 12	A report of the amount of exchanges made or money borrowed under the act to amend an act entitled "An act to provide ways and means to support the Government," approved March 3, 1865, and of whom and on what terms; and also the amount and character of indebtedness retired under this act and the act to which this is an amendment, with a detailed statement of the expenses of making such loans and exchanges.	Statutes at Large, 1st session 39th Congress.	32	Commencement of the session.
1866, May 18	A report of the annual estimate of the Postmaster-General of the money required for the service of the Post-Office Department for the ensuing fiscal year.	Statutes at Large, 1st session 39th Congress.	49	Commencement of the session.
1866, July 26	A report upon a general customs-revenue law designed to supersede all other laws on that subject, and embracing all necessary provisions for regulating the foreign and coasting trades, the assessment and collection of duties on goods, wares, and merchandise imported from foreign countries, and other subject-matter immediately pertaining thereto.	Statutes at Large, 1st session 39th Congress.	367	During the session.
1868, Feb. 8	Directed that a commission, to consist of five persons, to be appointed by the Secretary of the Treasury, is hereby created, whose duty it shall be, in connection with the existing commission of the Academy of Science, to carefully examine all meters and mechanical contrivances or inventions that may be presented to them intended to test the productiveness of grain or other articles prepared for distillation, or quantity and strength of distilled spirits subject to tax produced therefrom, giving notice of the times and places where such examinations will be conducted; and the commission shall meet under instructions of the Secretary of the Treasury at the earliest practicable day, and report to said Secretary, to be communicated to Congress.	Statutes at Large, 2d session 40th Congress.	311	On or before the 1st of March next.

1868, June 17	Directed to state all the balances of appropriations made prior to the present session of Congress for each branch of the public service and remaining unexpended on the first day of July next, and designate the amounts necessary to execute contracts or pay expenditures properly chargeable to such balances.	Statutes at Large, 2d session 40th Congress.	42	In his next annual estimates of appropriations.
1868, July 20	Directed to lay before the House of Representatives a statement in detail of the disbursements for incidental and contingent expenses of the Treasury Department made from the sum hereby appropriated.	Statutes at Large, 2d session 40th Congress.	69	Annually, with his report of receipts and expenditures.
1868, July 20	Directed to communicate a full and complete statement in detail of the amounts collected from seamen, and also the amounts expended for sick and disabled seamen, in accordance with the provisions of the act of May 3, 1802.	Statutes at Large, 2d session 40th Congress.	83	At each annual session of Congress.
1868, March 3	Report of the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, March 3	Report of the amount expended under the contingent fund for the several bureaus of the Treasury, and also statements of the disposition of the old furniture.	Statutes at Large, 3d session 40th Congress.	57	In December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
	Special.			
1872, Feb. 12	Requested to furnish the official report and all other information he has relating to the condition of the post-office and marine hospital in the city of Pittsburgh.	House Journal	332	No time specified.
	BY THE FIRST COMPTROLLER OF THE TREASURY.			
	Annual.			
1799, March 2	Statement showing the official emoluments and expenditures of the officers employed in the collecting of the customs for the year 1871.	Statutes at Large, volume 1.	708	Early in February.
1809, March 3	Statement of the accounts in the several Departments which have remained more than three years unsettled, or on which balances have been due more than three years.	Statutes at Large, volume 2	536	Early in December.
1817, March 3 / 1743, Jan. 28	A list of such officers as have not settled their accounts within the year for moneys advanced one year prior to September 30, 1871, with the proceedings in each case.	Statutes at Large, volume 3.	364	Early in December.
1843, Jan. 28	A similar list, required by resolution of the House of Representatives to be made annually.	House Journal	274	Early in December.
	NOTE.—This report is usually made to Congress by the *Secretary* of the Treasury. The law requires it to be made by the *Comptroller*.			
	BY THE TREASURER OF THE UNITED STATES.			
	Annual.			
1789, Sept. 2	Statement of his accounts, with an account of the state of the Treasury	Statutes at Large, volume 1.	66	Early in December.
1836, July 2	Statements of receipts and disbursements of the Post-Office establishment	Statutes at Large, volume 5.	81	During the session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE SECRETARY OF WAR.			
	Annual.			
1794, April 2	An account of the expenses of the national armories, together with an account of the arms made and repaired therein during the year 1871.	Statutes at Large, volume 1.	352	Early in February.
1803, March 2	A return of the militia of the United States, with their arms, accouterments, &c.	Statutes at Large, volume 2.	207	Early in February.
1808, April 21	A statement of contracts made by the various branches of the War Department on behalf of the United States during the year 1871.	Statutes at Large, volume 2.	485	Early in January.
1809, March 3	A statement of the expenditures of the moneys appropriated for the contingent expenses of the military establishment for the year 1871, (not contingencies of the War Department.)	Statutes at Large, volume 2.	535	Early in January.
1820, May 1	A statement showing the appropriations for the military service for the year 1871, with the expenditure under each specific head, and the balance of the several appropriations unexpended at the end of the year, with an estimate of the probable demands which may remain on each of such balances.	Statutes at Large, volume 3.	567	Early in February.
1830, Feb. 1 1842, Aug. 3 1843, Feb. 16	The Army Register (printed) for 1871, to which shall be annexed an accurate schedule of the pay and emoluments, with the commutation value thereof, to which the officers of each grade are entitled, and opposite the name of each officer his annual pay, his allowance for rations, servants, and forage, and all other allowances.	House Journal House Journal House Journal	227 1453 384	In February.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent funds of the several officers of the War Department for the year 1871, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statement of all moneys expended by disbursing officers of the War Department during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 1841, Aug. 26	The names of clerks and all other persons employed in the War Department during the year 1871, or any part thereof, with the time each person was actually employed and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3 Statutes at Large, volume 5.	477 525	In January.
1865, March 3	Report of the condition of the National Military Naval Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States.	Statutes at Large, 2d session 38th Congress.	510	Early in January.
1865, March 3	Detailed report of such temporary relief as may be absolutely necessary, including clothing and provisions furnished during the residue of the fiscal year ended June 30, 1867, to the so-called refugee Indians in the Indian Territory.	Statutes at Large, 2d session 38th Congress.	563	During the session.
1866, June 23	A report of any survey or resurvey, under the act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, with the plan adopted and the items of expenditure under said plan, and all action taken under the above act; and he shall accompany said report with a statement of the amount and date of all former appropriations for each work, and a full estimate of its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year; and he shall also state in what collection-district each work is located, and at what or near what port of entry.	Statutes at Large, 1st session 39th Congress.	73	Commencement of the session.

		light-house, or fort; what amount of revenue was collected at the nearest port of entry for the last fiscal year; and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work.		
1866, July	28	A report of the amount found to be justly due to the Territory of Colorado for the service of the first regiment of Colorado mounted militia.	Statutes at Large, 1st session 39th Congress.	371	In December.
1867, Jan.	14	The final report of the commissioners provided for in the second section of the act of Congress entitled "An act making appropriation for sundry civil expenses of the Government for the year ending June 30, 1867."	Statutes at Large, 2d session 39th Congress.	7	No time specified.
1867, Feb.	22	A report of the condition of national cemeteries, and the amount of money necessary to protect them, to sod the graves, grade and gravel the walks and avenues, and to keep the grounds in complete order, with estimate of appropriation necessary for that purpose.	Statutes at Large, 2d session 39th Congress.	31	Commencement of the session.
1867, Mar.	2	A report of any survey or resurveys, with the plan adopted and the items of expenditure under said plan, under the act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, approved March 2, 1867; of all action taken under the provisions of this act, with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year; and he shall also state in what collection-district each work is located and at or near what port of entry, light-house, or port; what amount of revenue was collected at the nearest port of entry for the last fiscal year; and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work; also, whenever proposals are invited for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and he shall report on the first Monday of December next all the bids, with the names of the bidders.	Statutes at Large, 2d session 39th Congress.	53	First Monday in December.
1868, Mar.	2	Directed to appoint a board of competent engineers, of not less than three persons, to examine the condition of the wreck of the steamer Scotland, in New York Harbor, and ascertain whether the same is dangerous to navigation and report the facts thereon.	Statutes at Large, 2d session 40th Congress.	314	As early as practicable.
1868, July	27	Directed that there shall be prepared and submitted to Congress by the Secretary of War, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all facts showing to what extent the general commerce of the country will be promoted by the works of improvement contemplated by such examinations and surveys, to prevent the application of public moneys where such improvements shall not be beneficial to the commercial and navigation interests of the United States.	Statutes at Large, 2d session 40th Congress.	329	No time specified.
1869, Mar.	3	Report of the number of clerks in his Department, the number employed therein during preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, April	10	A report of the expenditures under the appropriation for the improvement of rivers and harbors for the fiscal year ended June 30, 1871.	Statutes at Large, 1st session 41st Congress.	195	Early in December.
1870, Feb.	15	A report of the disposition of the fund under the act entitled "An act for the temporary relief of the poor and destitute people in the District of Columbia."	Statutes at Large, 2d session 41st Congress.	65	First Monday in December.
1870, July	7	A copy of the report of the arbitrators under the act entitled "An act for the improvement of water communication between the Mississippi River and Lake Michigan, by the Wisconsin and Fox Rivers;" also, the progress made in the completion of said improvement, the amount expended thereon, the amount, if any, required for the succeeding fiscal year, and the amount of revenue derived therefrom.	Statutes at Large, 2d session 41st Congress.	190	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1870, July 15	A report of the names of persons entitled to relief, together with a statement of facts and sums upon which such report may be based, under section 10 of the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes.	Statutes at Large, 2d session 41st Congress.	310	During the session.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1871, Feb. 2	A report showing the different items of expenditure under the act to re-imburse the State of Kansas for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion.	Statutes at Large, volume 16.	402	No time specified.
1872, June 10	A report of the condition of the canal at the Falls of the Ohio River	Statutes at Large, 2d session 42d Congress.	401	During the session.
1872, June 10	Report as requested by section 3 of the act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved June 10, 1872.	Statutes at Large, 2d session 42d Congress.	405	During the session.
	Special.			
1871, Mar. 30	Requested to cause the Engineer Department of the United States to extend the survey of the Etowa River, (already ordered,) so as to embrace estimates for a canal connecting said river with the Ocmulgee River, with a view to opening a direct and unobstructed water communication between the waters of the Mississippi River and the Atlantic Ocean, and to report to the Senate.	Senate Journal	100	No time specified.
1871, Jan. 31	Requested to cause an examination or survey to be made of the harbor of Wellfleet, Massachusetts, with a view to dredging and improving the same, so as to afford greater protection and facilities to commerce; and that he report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives at the commencement of the first session of the next Congress.	House Journal	242	No time specified.
1871, Mar. 14	Requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.	House Journal	56	No time specified.
1872, Mar. 11	Requested to communicate any information he may have upon the subject of a ship-canal from the waters of the Chesapeake to the waters of the Delaware Bay.	House Journal	485	No time specified.
	BY THE SURGEON-GENERAL.			
1863, Feb. 23	A report of the materials prepared by him relating to the medical and surgical history of the present rebellion.	Senate Journal	310	No time specified.
1868, July 27	Directed that all expenditures for said Providence Hospital, under appropriations of Congress, shall be made under the direction and control of the Surgeon-General of the Army, who shall report a full and complete statement of all expenses incurred under and by virtue of appropriations made by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the December session of every Congress.

1868, July 27	Directed that the Superintendent of the said Columbia Institution for the Deaf and Dumb shall make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the commencement of every December session of Congress.
1868, July 27	Directed that the Surgeon-General of the Army shall report to Congress a full and accurate account of all expenditures made by said asylum out of appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1868, July 27	Directed that contract shall be made by the Surgeon-General of the Army for care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, and statement with whom such contract is made, and amount and nature thereof.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1869, Mar. 3	Report of the number of clerks in his Department, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, Mar. 3	A report stating with whom contract was made for the support of sixty transient paupers in some institution in the city of Washington.	Statutes at Large, 3d session 40th Congress.	45	In December.
	BY THE SECRETARY OF THE NAVY.			
	Annual.			
1808, April 21	A statement of the contracts made by the Navy Department on behalf of the United States in 1871.	Statutes at Large, volume 2.	485	Early in January.
1809, Mar. 3	A statement of the expenditure of the money appropriated for the contingent expenses of the naval establishment during the year 1871, (not the contingencies of the Department.)	Statutes at Large, volume 2.	536	Early in January.
1815, Dec. 11 1843, Feb. 16	A printed Navy Register for 1871, showing the annual pay of each officer, with all emoluments and allowances.	Senate Journal, House Journal.	384	Early in January.
1820, May 1	A statement showing the appropriations for the naval service for the year 1871, with the expenditure under each specific head, and the balance of the several appropriations unexpended at the close of the year, with an estimate of the probable demands which may remain on each of such balances.	Statutes at Large, volume 3.	567	First of February.
1832, July 10	A report of the receipts and expenditures of the Navy-hospital fund in 1871.....	Statutes at Large, volume 4.	508	During the session.
1818, April 20 1842, Aug. 26	The names of the clerks and other persons employed in the Navy Department during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. Statutes at Large, volume 5	447 525	In January.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the several officers of the Navy Department in 1871, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1848, Aug. 3	A report of the transfers of appropriations from one head to any other head of the appropriations for the naval service for the year 1871.	Statutes at Large, volume 9	271	During the session.
1852, Aug. 31	A report of the number and names of appointments to the Naval School which have been made; the district and State whence each one comes; the number of existing vacancies, with the congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the congressional districts shall be entitled to all future and accruing vacancies, &c.	Statutes at Large	102	Every second session.
1866, June 1	A report of the board of examiners to select a site at or near Portland, Maine, for a fresh-water basin for iron-clad vessels of the United States Navy, and to ascertain the advantages and cost of said site.	Statutes at Large, 1st session 39th Congress.	357	During the session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	Special.			
1872, June 1	To report all proceedings under the "act to authorize the President of the United States to negotiate with the chief and head-men of the Shoshone and Bannock tribe of Indians for the relinquishment of a portion of their reservation in Wyoming Territory."	Statutes at Large, 2d session 42d Congress.	226	No time specified.
	BY THE SECRETARY OF STATE.			
	Annual.			
1798, July 6 1799, March 2	Abstracts of the returns made by collectors of the registered seamen of the United States.	Statutes at Large, volume 1.	696 729	Early in January.
1819, March 2	A list of passengers arriving in the United States from foreign countries during the year 1871.	Statutes at Large, volume 3.	489	Early in February.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the State Department, showing to whom payments were made, and for what, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statements of all moneys expended by disbursing officers, acting under the orders of the State Department during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 1842, Aug. 26	The names of the clerks and all other persons employed in the Department of State, or any of its offices, during the year 1871, or any part thereof, with the time each was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. Statutes at Large, volume 5.	447 525	In January.
1856, Aug. 18	A report of all the fees collected and accounted for by consuls, vice-consuls, commercial agents, and vice-commercial agents.	Statutes at Large, volume 11.	58	During the session.
1856, Aug. 18	A report of the commercial information communicated by the diplomatic and consular officers severally.	Statutes at Large, volume 11.	60	During the session.
1866, July 5	A detailed statement of the manner in which the expenditures are made by the general agent at New York and commissioner-general at Paris, as provided for in the joint resolution "to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867."	Statutes at Large, 1st session 39th Congress.	363	No time specified.
1869, March 3	Report the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First Monday in December.
1872, Feb. 2	A statement of the expenditure of the money under "An act in relation to the embassy from Japan."	Statutes at Large, 2d session 42d Congress.	12	No time specified.

BY THE SECRETARY OF THE TREASURY.

Annual.

1789, Sept. 2 1800, May 10	A report upon the state of the finances, embracing a general view of the revenue and expenditures of the United States for the years 1871 and 1872.	Statutes at Large, volume 1. Statutes at Large, volume 2.	65 79	Early in December.
1789, Sept. 2 1800, May 10 1842, Aug. 26	An estimate of the appropriations necessary to be made for the service of the year ending June 30, 1873, with a statement of the appropriations heretofore made, applicable to the service of this year, and a statement of the appropriations of former years, with an estimate of those sums which will not be required to defray expenses incurred in a former year; in which are to be specified the sources from which the estimates are derived and the calculations upon which they are founded, discriminating between such as are conjectural and such as are not conjectural, with the authority for the estimate.	Statutes at Large, volume 1. Statutes at Large, volume 2. Statutes at Large, volume 5.	65 79 537	Commencement of the session.
1791, Dec. 30	An account of the receipts and expenditures of the United States for the year ended June 30, 1871.	House Journal.....	68	Early in December.
1792, Apr. 2	An account of the receipts and expenditures at the Mint, with an account of its transactions during the year 1871.	Statutes at Large, volume 1	249	In February.
1806, Apr. 10 1834, June 25 1834, June 28 1843, Mar. 3	Statement of the result of the assays made at the Mint in 1871 of certain foreign gold and silver coins.	Statutes at Large, volume 2. Statutes at Large, volume 4. Statutes at Large, volume 4. Statutes at Large, volume 5.	347 681 607	Early in January.
1808, Apr. 21	Statement of contracts and purchases made by the collectors for the revenue service of 1871.	Statutes at Large, volume 2	485	Early in January, and are generally included in one report.
1808, Apr. 21	Statement of contracts made by direction of the Treasury Department in 1871.....	Statutes at Large, volume 2.	485	
.....	Statement of the amount of the expenditures for the relief of sick and disabled seamen in 1871.	.....	....	
1809, Mar. 3	Statement of the payments made at the Treasury in 1871 for the discharge of miscellaneous claims not otherwise provided for.	Statutes at Large, volume 2.	536	No time specified.
1810, May 1	Statement of disbursements from the Treasury in 1871 for expenses of intercourse with the Barbary powers.	Statutes at Large, volume 2.	609	In February.
1817, Mar. 3	Statement of the affairs and condition of the several banks in the District of Columbia on the 31st of December, 1871.	Statutes at Large, volume 3.	387	In January.
1820, Feb. 10 1830, May 26 1842, Aug. 26	Statement showing the commerce and navigation of the United States for the year ended June 30, 1871.	Statutes at Large, volume 3. House Journal..... Statutes at Large, volume 5.	541 608 537	First Monday in December.
1831, May 2 1833, July 14	Names of applicants for the benefit of the act for the relief of certain insolvent debtors; the amount due; the names of those who may have been released, with the terms of compromise.	Statutes at Large, volume 4. Statutes at Large, volume 4.	469 595	During the session.
1832, July 10	Statements of the capital, circulation, discounts, specie, deposits, and condition of the State banks.	House Journal.....	1110 1117	During the session.
1836, Apr. 20	An account of the fund arising from the sale of lands under certain treaties with the Chickasaw Indians.	Statutes at Large, volume 5.	10	During the session.
1842, Aug. 26	A full and detailed statement of the expenditures of the contingent fund of the several offices of the Treasury Department, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, Aug. 26	Statements of all moneys expended by disbursing officers acting under orders of the Secretary of the Treasury during the year 1871.	Statutes at Large, volume 5.	527	In January.
1818, April 20 1842, Aug. 26	The names of all clerks and other persons who have been employed in the Treasury Department during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each; also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of	Statutes at Large, volume 3. Statutes at Large, volume 5.	447 525	In January.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.			
1844, June 17	Reasons for any changes that may have been made in the depositories of the Treasury during the recess of Congress.	Statutes at Large, volume 5.	696	Next session.
1846, Aug. 6	Regulations to give full effect to and secure a just accountability under the warehousing system.	Statutes at Large, volume 9.	55	Next session after any such regulations are made.
1846, Aug. 7	Cases of neglect, evasion, or violation of the eighteenth and nineteenth sections of the independent Treasury act.	Statutes at Large, volume 9.	64	Commencement of the session.
1846, Aug. 10	Statement of stolen uncanceled Treasury notes paid	Statutes at Large, volume 9.	107	With annual report of Secretary of the Treasury.
1847, Jan. 28	Amount of Treasury notes issued under act of January 28, 1847; amount redeemed, purchased, reissued, &c.	Statutes at Large, volume 9.	122	Commencement of the session.
1849, Mar. 3	A statement of the amount of money expended at each custom-house in the United States, and the number of persons employed, and the occupations and salary of each person.	Statutes at Large, volume 9.	399	During the session.
1853, Mar. 3	A report of the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind paid them, for what purpose, and the length of time employed; and to report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey; also, a general chart of the whole coasts of the United States, &c.	Statutes at Large	209	In December.
1863, Mar. 3	A report of the number of proceedings and suits commenced, pending, and determined, for frauds upon the revenue, and a statement of all moneys received by the Solicitor of the Treasury and each district attorney.	Statutes at Large, volume 12	741	During the session.
1866, April 12	A report of the amount of exchanges made or money borrowed under the act to amend an act entitled "An act to provide ways and means to support the Government," approved March 3, 1865, and of whom and on what terms; and also the amount and character of indebtedness retired under this act and the act to which this is an amendment, with a detailed statement of the expenses of making such loans and exchanges.	Statutes at Large, 1st session 39th Congress.	32	Commencement of the session.
1866, May 18	A report of the annual estimate of the Postmaster-General of the money required for the service of the Post-Office Department for the ensuing fiscal year.	Statutes at Large, 1st session 39th Congress.	49	Commencement of the session.
1866, July 26	A report upon a general customs-revenue law designed to supersede all other laws on that subject, and embracing all necessary provisions for regulating the foreign and coasting trades, the assessment and collection of duties on goods, wares, and merchandise imported from foreign countries, and other subject-matter immediately pertaining thereto.	Statutes at Large, 1st session 39th Congress.	367	During the session.
1868, Feb. 8	Directed that a commission, to consist of five persons, to be appointed by the Secretary of the Treasury, is hereby created, whose duty it shall be, in connection with the existing commission of the Academy of Science, to carefully examine all meters and mechanical contrivances or inventions that may be presented to them intended to test the productiveness of grain or other articles prepared for distillation, or quantity and strength of distilled spirits subject to tax produced therefrom, giving notice of the times and places where such examinations will be conducted; and the commission shall meet under instructions of the Secretary of the Treasury at the earliest practicable day, and report to said Secretary, to be communicated to Congress.	Statutes at Large, 2d session 40th Congress.	311	On or before the 1st of March next.

1868, June 17	Directed to state all the balances of appropriations made prior to the present session of Congress for each branch of the public service and remaining unexpended on the first day of July next, and designate the amounts necessary to execute contracts or pay expenditures properly chargeable to such balances.	Statutes at Large, 2d session 40th Congress.	42	In his next annual estimates of appropriations.
1868, July 20	Directed to lay before the House of Representatives a statement in detail of the disbursements for incidental and contingent expenses of the Treasury Department made from the sum hereby appropriated.	Statutes at Large, 2d session 40th Congress.	69	Annually, with his report of receipts and expenditures.
1868, July 20	Directed to communicate a full and complete statement in detail of the amounts collected from seamen, and also the amounts expended for sick and disabled seamen, in accordance with the provisions of the act of May 3, 1802.	Statutes at Large, 2d session 40th Congress.	83	At each annual session of Congress.
1868, March 3	Report of the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, March 3	Report of the amount expended under the contingent fund for the several bureaus of the Treasury, and also statements of the disposition of the old furniture.	Statutes at Large, 3d session 40th Congress.	57	In December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
	Special.			
1872, Feb. 12	Requested to furnish the official report and all other information he has relating to the condition of the post-office and marine hospital in the city of Pittsburgh.	House Journal.....	332	No time specified.
	BY THE FIRST COMPTROLLER OF THE TREASURY.			
	Annual.			
1799, March 2	Statement showing the official emoluments and expenditures of the officers employed in the collecting of the customs for the year 1871.	Statutes at Large, volume 1.	708	Early in February.
1809, March 3	Statement of the accounts in the several Departments which have remained more than three years unsettled, or on which balances have been due more than three years.	Statutes at Large, volume 2.	536	Early in December.
1817, March 3 } 1743, Jan. 28 }	A list of such officers as have not settled their accounts within the year for moneys advanced one year prior to September 30, 1871, with the proceedings in each case.	Statutes at Large, volume 3.	364	Early in December.
1843, Jan. 28	A similar list, required by resolution of the House of Representatives to be made annually.	House Journal.....	274	Early in December.
	NOTE.—This report is usually made to Congress by the *Secretary* of the Treasury. The law requires it to be made by the *Comptroller*.			
	BY THE TREASURER OF THE UNITED STATES.			
	Annual.			
1789, Sept. 2	Statement of his accounts, with an account of the state of the Treasury	Statutes at Large, volume 1.	66	Early in December.
1836, July 2	Statements of receipts and disbursements of the Post-Office establishment.....	Statutes at Large, volume 5.	81	During the session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1870, July 15	A report of the names of persons entitled to relief, together with a statement of facts and sums upon which such report may be based, under section 10 of the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes.	Statutes at Large, 2d session 41st Congress.	310	During the session.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1871, Feb. 2	A report showing the different items of expenditure under the act to re-imburse the State of Kansas for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion.	Statutes at Large, volume 16.	402	No time specified.
1872, June 10	A report of the condition of the canal at the Falls of the Ohio River	Statutes at Large, 2d session 42d Congress.	401	During the session.
1872, June 10	Report as requested by section 3 of the act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved June 10, 1872.	Statutes at Large, 2d session 42d Congress.	405	During the session.
	Special.			
1871, Mar. 30	Requested to cause the Engineer Department of the United States to extend the survey of the Etowa River, (already ordered,) so as to embrace estimates for a canal connecting said river with the Ocmulgee River, with a view to opening a direct and unobstructed water communication between the waters of the Mississippi River and the Atlantic Ocean, and to report to the Senate.	Senate Journal	100	No time specified.
1871, Jan. 31	Requested to cause an examination or survey to be made of the harbor of Wellfleet, Massachusetts, with a view to dredging and improving the same, so as to afford greater protection and facilities to commerce; and that he report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives at the commencement of the first session of the next Congress.	House Journal	242	No time specified.
1871, Mar. 14	Requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.	House Journal	56	No time specified.
1872, Mar. 11	Requested to communicate any information he may have upon the subject of a ship-canal from the waters of the Chesapeake to the waters of the Delaware Bay.	House Journal	485	No time specified.
	BY THE SURGEON-GENERAL.			
1863, Feb. 23	A report of the materials prepared by him relating to the medical and surgical history of the present rebellion.	Senate Journal	310	No time specified.
1868, July 27	Directed that all expenditures for said Providence Hospital, under appropriations of Congress, shall be made under the direction and control of the Surgeon-General of the Army, who shall report a full and complete statement of all expenses incurred under and by virtue of appropriations made by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the December session of every Congress.

1868, July 27	Directed that the Superintendent of the said Columbia Institution for the Deaf and Dumb shall make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the commencement of every December session of Congress.
1868, July 27	Directed that the Surgeon-General of the Army shall report to Congress a full and accurate account of all expenditures made by said asylum out of appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1868, July 27	Directed that contract shall be made by the Surgeon-General of the Army for care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, and statement with whom such contract is made, and amount and nature thereof.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1869, Mar. 3	Report of the number of clerks in his Department, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, Mar. 3	A report stating with whom contract was made for the support of sixty transient paupers in some institution in the city of Washington.	Statutes at Large, 3d session 40th Congress.	45	In December.
	BY THE SECRETARY OF THE NAVY.			
	Annual.			
1808, April 21	A statement of the contracts made by the Navy Department on behalf of the United States in 1871.	Statutes at Large, volume 2.	485	Early in January.
1809, Mar. 3	A statement of the expenditure of the money appropriated for the contingent expenses of the naval establishment during the year 1871, (not the contingencies of the Department.)	Statutes at Large, volume 2.	536	Early in January.
1815, Dec. 11 1843, Feb. 16	A printed Navy Register for 1871, showing the annual pay of each officer, with all emoluments and allowances.	Senate Journal, House Journal.	384	Early in January.
1820, May 1	A statement showing the appropriations for the naval service for the year 1871, with the expenditure under each specific head, and the balance of the several appropriations unexpended at the close of the year, with an estimate of the probable demands which may remain on each of such balances.	Statutes at Large, volume 3.	567	First of February.
1832, July 10	A report of the receipts and expenditures of the Navy-hospital fund in 1871	Statutes at Large, volume 4.	508	During the session.
1818, April 20 1842, Aug. 26	The names of the clerks and other persons employed in the Navy Department during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. Statutes at Large, volume 5	447 525	In January.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the several officers of the Navy Department in 1871, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5	527	Commencement of the session.
1848, Aug. 3	A report of the transfers of appropriations from one head to any other head of the appropriations for the naval service for the year 1871.	Statutes at Large, volume 9	271	During the session.
1852, Aug. 31	A report of the number and names of appointments to the Naval School which have been made; the district and State whence each one comes; the number of existing vacancies, with the congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the congressional districts shall be entitled to all future and accruing vacancies, &c.	Statutes at Large	102	Every second session.
1866, June 1	A report of the board of examiners to select a site at or near Portland, Maine, for a fresh-water basin for iron-clad vessels of the United States Navy, and to ascertain the advantages and cost of said site.	Statutes at Large, 1st session 39th Congress.	357	During the session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1867, Mar. 2	A report, under the act for the relief of certain contractors for the construction of vessels of war and steam-machinery, with a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price.	Statutes at Large, 2d session 39th Congress.	56	No time specified.
1868, July 7	Directing that a commission, consisting of an engineer officer of the Army, detailed by the Secretary of War, and two competent and impartial officers of the Navy, detailed by the Secretary of the Navy, shall make a careful examination of the harbor of Boston, and report whether the construction of a bridge between Boston and East Boston will be detrimental to the interests of the United States in the navy-yard at Charlestown.	Statutes at Large, 3d session 40th Congress.	322	At the December session.
1869, March 3	Report of the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1872, May 23	A report of his acts under the authority given by section 2 of the act making appropriations for the naval service for the year ending June 30, 1873, and for other purposes.	Statutes at Large, 2d session 42d Congress.	155	Beginning of the session.
	Special.			
1872, March 1	Information as to what proceedings have been taken by him to obtain damages for the destruction of the sloop-of-war Oneida.	House Journal	433	No time specified.
	BY THE POSTMASTER-GENERAL.			
	Annual.			
1825, March 5	A statement of the amount of postage accruing in the last year at each of the post-offices in the several States and Territories of the United States, classifying the said accounts of postage so accruing by States and Territories.	House Journal	291	During the session.
1825, March 3	A list of such post-routes as have not, after the second year, produced the third part of the expenses of transporting the mail on the same.	Statutes at Large, volume 4	113	In February.
1836, July 2	A report of contracts for the transportation of the mail within the last year, with all the particulars in relation thereto.	Statutes at Large, volume 5	84	During the session.
1836, July 2	A report of all extra allowances to contractors made during the last year, with all extra expenses incurred, and all curtailment of expenses.	Statutes at Large, volume 5	84	During the session.
1836, July 2	A report of the incidental expenses of the Post-Office Department for the last year	Statutes at Large, volume 5	85	During the session.
1836, July 2	A report of the finances of the Post-Office Department for the last year	Statutes at Large, volume 5	85	During the session.
1836, July 2	A report of the fines and penalties imposed on contractors for failures or other causes	Statutes at Large, volume 5	85	During the session.
1836, July 2	A transcript of the records of all offers made for carrying the mails	Statutes at Large, volume 5	86	During the session.
1836, July 2	Estimates for the service of the Post-Office Department for the year ending June 30, 1873	Statutes at Large, volume 5	80	During the session.

1836, July 2	Proceedings in regard to unlawful combinations respecting the making of mail contracts, if any such combinations have been made.	Statutes at Large, volume 5. 87	During the session.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent funds of the several offices of the Post-Office Department, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5. 527	Commencement of the session.
1842, Aug. 26	Statement of all moneys expended by disbursing agents of the Post-Office establishment during the year 1871.	Statutes at Large, volume 5. 527	In January.
1818, April 20 1842, Aug. 26	The names of the clerks and all other persons employed in the Department of the Postmaster-General during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid to each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any and the appointment of others in their stead is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3 457 Statutes at Large, volume 5 525	In January. During the session.
1845, March 3	Copies of contracts for carrying the mails between any of the ports of the United States and a port or ports of foreign powers, with a statement of the amount of postage derived under the same.	Statutes at Large, volume 5. 749	During the session.
1866, May 16	A report of the commission appointed to select a proper site for a building for a post-office and for the accommodation of the United States courts in the city of New York.	Statutes at Large, 1st session 39th Congress. 356	No time specified.
1869, March 3	Report of the number of desks in his Department, the number of clerks, the number employed during the preceding fiscal year, when employed, when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress. 45	First Monday in December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress. 364	First day of December.
1872, June 8	A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy of the recorded abstracts of all proposals for carrying the mail, as provided by section two hundred and forty-eight.	Statutes at Large, 2d session 42d Congress. 304 305 306	At each session.
1872, June 8	A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.	Statutes at Large, 2d session 42d Congress. 304 305 306	At each session.
1872, June 8	A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract-price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.	Statutes at Large, 2d session 42d Congress. 304 305 306	At each session.
1872, June 8	A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.	Statutes at Large, 2d session 42d Congress. 304 305 306	At each session.
1872, June 8	A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagement and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of said amount was for carrying the mail in preceding years.	Statutes at Large, 2d session 42d Congress. 304 305 306	At each session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1872, June 8	A report of the fines imposed on, and the deductions from the pay of, contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred: when the fine was imposed; and whether the fine or deduction has been remitted; and for what reason.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered or the thing performed; the amount paid therefor; and the date and duration of the contract.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of the clerks and other persons employed in the Department during the year, or any part thereof, giving the names of the persons; the time they were actually employed, and the sum paid each; whether they have been usefully employed: whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report on the postal business and agencies in foreign countries	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	That the Postmaster-General shall submit to Congress at each annual session a statement of the amount expended during the preceding fiscal year, and an estimate of the amount that will be required for the ensuing fiscal year, under each of the following heads: "Transportation of the mails;" "compensation of postmasters;" "compensation of clerks in post-offices;" "compensation of letter-carriers;" "compensation of blank-agents and assistants;" "mail depredations and special agents;" "postage-stamps and envelopes;" "ship, steamboat, and way letters;" "dead-letters;" "mailing-bags;" "mail locks, keys, and stamps;" "wrapping-paper;" "office furniture;" "advertising;" "balances to foreign countries;" "rent, light, and fuel to post-offices;" "stationery;" and "miscellaneous," showing the sums paid under each head, and the names of the persons to whom payments are made out of the miscellaneous fund; but the names of persons employed in detecting depredations on the mails, and of other confidential agents, need not be disclosed.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	To report a detailed statement of the expenditures of the contingent fund of his Department, and accounts of all property belonging to the United States in the buildings under his charge.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
	BY THE ATTORNEY-GENERAL.			
	Annual.			
1870, June 22	A report of the business of the Department of Justice, and any other matters appertaining thereto that he may deem proper, including the statistics of crime under the laws of the United States, and, as far as practicable, under the laws of the several States.	Statutes at Large, 2d session 41st Congress.	164	In January.

1870, Feb. 7	Directed to furnish the Senate a copy of the charges of official misconduct preferred against the marshal of the southern district of Illinois, the report of the district attorney appointed to investigate the charges upon the same, and the answer of the marshal to said charges.	Senate Journal..... 210	No time specified.
	BY THE SECRETARY OF THE INTERIOR.		
	Annual.		
1808, April 21	Statement of the contracts made by direction of the Department of the Interior.....	Statutes at Large, volume 2. 484	Early in January.
1842, Aug. 26	A full and detailed statement of the expenditure of the contingent fund of the several offices of the Department of the Interior, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5. 527	Early in January, and are usually included in one report.
1818, April 20 1842, Aug. 26	The names of all clerks and other persons who have been employed in the several offices of the Department of the Interior during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each; also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service; and whether the removal of any and the appointment of others in their stead is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. 447 Statutes at Large, volume 5. 525	Early in January, and are generally included in one report.
1830, May 29	A list of applicants for pensions, or for increase of pensions, whose cases are not embraced by the laws, but which ought to be granted.	Statutes at Large, volume 4. 430	In January.
1832, July 10	A report of the receipts and expenditures of the Navy pension fund and privateer pension fund in 1871, the names of pensioners, and the amount of their pensions, respectively.	Statutes at Large, volume 4. 572	During the session.
1789, Aug. 7	A report upon the condition of the Office of Indian Affairs, and of the various tribes of Indians within the limits of the United States.	Statutes at Large, volume 1. 50	Commencement of session; usually accompanies the annual message of the President.
1789, Sept. 2	A report upon the condition of the General Land-Office, the amount of the sales of the public lands, and an account of the surveys made of the same during the year 1871.	Statutes at Large, volume 1. 66	In January.
1865, Feb. 9	A report of the names of certain friendly Indians of the Sioux nation, in Minnesota, for whose benefit money was expended, and the amount expended for each.	Statutes at Large, 2d session 38th Congress. 427	During the session.
1865, March 3	Report of money expended to carry into effect any treaty stipulation with any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they can support themselves in their own country.	Statutes at Large, 2d session 38th Congress. 562	Commencement of session.
1866, July	A report by the Director of the Bureau of Statistics on the statistics of commerce and navigation, exports and imports.	Statutes at Large, 1st session 39th Congress. 331	Early in December.
1866, May	A report of the commission appointed to select a proper site for a building for a post-office and for the accommodation of the United States courts in the city of New York.	Statutes at Large, 2d session 39th Congress. 356	No time specified.
1867, March 2	A report upon the condition of the public buildings in the Territory of New Mexico, with an estimate of what amount is necessary to complete the same.	Statutes at Large, 2d session 39th Congress. 100	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1867, March 2	A report from the Commissioner of Indian Affairs of any case of hostilities, by any tribe with which the United States has treaty stipulations, which shall have occurred since his next preceding report. Also made the duty of the officer in charge of the Indian Bureau to report, separately, at the commencement of each December session, a tabular statement, showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much paid to him, and for what object, so far as they relate to the disbursements of the funds hereinbefore, or which shall hereafter be, appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service during the fiscal year next preceding each report.	Statutes at Large, 1st session 39th Congress.	152	No time specified.
1867, Jan. 22	A report of the commission appointed to procure a site for a building to accommodate the post-office and United States courts in the city of New York. To be made with the Postmaster-General.	Statutes at Large, 2d session 39th Congress.	232	No time specified.
1869, March 3	Report of the number of desks in his Department, number of clerks, the number employed during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, March 3	A statement of the manner in which the appropriation for the relief of two bands of Sisseton and Wahpeton Sioux Indians in Dakota Territory, to be expended under the direction of Rev. H. B. Whipple, was expended.	Statutes at Large, 3d session 40th Congress.	61	No time specified.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day in December.
1872, May 29	To report a plan for equitably extinguishing, as far as possible, the separate claims upon the Government for annuities and allowances of diminished Indian tribes, and also for providing, on a uniform basis, for all Indians who are collected at the same agency.	Statutes at Large, 2d session 42d Congress.	198	No time specified.
1872, May 29	To report the nature and character and amount of claims, whether allowed by him or not, for compensation for depredations committed by the Indians.	Statutes at Large, 2d session 42d Congress.	199	No time specified.
	Special.			
1871, Jan. 10	Directed to transmit to the Senate copies of all correspondence in relation to the disposal of the lands known as the Miami Indian reservation in Kansas, or any part thereof, had since and including the year 1865, together with abstracts of all transfers of such lands to Indians or other persons which may have required the approval of the Secretary of the Interior, or may be of record in that Department.	Senate Journal	107	No time specified.
1871, March 20	Directed to communicate to the Senate a list of the names and residences of the enumerators and persons employed in obtaining the various statistics of the ninth census of the United States, with the number of days of actual service by each in the work of enumeration, together with the amount paid or to be paid these officers, respectively, in accordance with law.	Senate Journal	67	No time specified.
1872, June 8	Requested to furnish information as to whether military reservation No. 7, situate near Mare Island, in the harbor of San Francisco, is or is not in possession of the Government of the United States.	House Journal	1125	No time specified.

	BY THE COMMISSIONER OF PATENTS.			
1837, March 3	A list of all patents granted for the preceding year for inventions and improvements; also a list of patents which have expired during the same period.	Statutes at Large, volume 5.	135	In January.
1868, July 20	Directed to communicate to Congress a full and detailed account of moneys received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office; and of all moneys expended by him under and by virtue of this provision for said contingent and miscellaneous expenses, and for salaries, and the names of the persons to whom such salaries are paid, and the amount thereof paid to each.	Statutes at Large, 2d session 40th Congress.	92	At the commencement of every December session.
1870, July 8	A report giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating, under proper heads, the subjects of such patents; an alphabetical list of the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public.	Statutes at Large, 2d session 41st Congress.	199	In January.
	BY THE COMMISSIONER OF AGRICULTURE.			
1862, May 15	Report of the practical and experimental information relating to agriculture collected, and seeds and plants obtained and distributed among agriculturists.	Statutes at Large, volume 12.	388	During the session.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District af Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
	BY THE COMMISSIONER OF PUBLIC BUILDINGS.			
	Annual.			
1829, March 3	The application of the appropriations for 1871, the number of public lots sold, &c., and the state of the buildings and grounds.	Statutes at Large, volume 4.	363	In December.
1838, April 16	Copies of all contracts made in his office for materials furnished or to be furnished, or for labor performed or to be performed, &c.	House Journal.....	84	Commencement of the session.
1840, July 21	The manner in which all appropriations for the public buildings and grounds have been applied.	Statutes at Large, volume 6	815	Commencement of the session.
	BY THE SECOND AUDITOR.			
	Annual.			
1822, May 6 1834, June 30	Copies of the accounts of Indian agents, superintendents, and others charged with the disbursement of money, goods, or effects of any kind for the benefit of the Indians.	Statutes at Large, volume 3 Statutes at Large, volume 4	683 738	In February.
	BY THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE RESPECTIVELY.)			
	Annual.			
1836, May 9 1842, Aug. 26	A full detailed statement of the expenditure of the contingent fund of their Houses, respectively, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5 Statutes at Large, volume 5	25 525	Commencement of the session.
1842, Aug. 26	The names of the clerks and all other persons employed in the service of their respective Houses during the year 1871, or any part thereof, with the time each person was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business.	Statutes at Large, volume 5	525	In January.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1870, July 15	A full and complete statement of all their receipts and expenditures as such officers, and account of all property in their possession belonging to the United States.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE CLERK OF THE HOUSE OF REPRESENTATIVES.			
	Annual.			
1842, March 7	A report showing distinctly the quantity and cost of all the stationery used by the House and Clerk's office.	House Journal	495	Commencement of the session.
1870, July 15	A full and complete statement of all their receipts and expenditures as such officer, and report of all the property in their possession belonging to the United States.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE GOVERNORS OF THE SEVERAL STATES.			
1862, July 2	Report of the sales made of the scrip sold for the benefit of colleges for the promotion of agriculture and the mechanic arts, and the amount received.	Statutes at Large, volume 12	505	During the session.
	BY THE BOARD OF MANAGERS OF THE MILITARY AND NAVAL ASYLUM FOR THE RELIEF OF TOTALLY DISABLED OFFICERS AND MEN OF THE VOLUNTEER FORCES OF THE UNITED STATES.			
1866, Mar. 21	A report of the condition of the asylum	Statutes at Large, 1st session 39th Congress.	11	First Monday in January.
	BY THE COMMISSION APPOINTED UNDER THE ACT TO PROVIDE FOR THE REVISION AND CONSOLIDATION OF THE STATUTE LAWS OF THE UNITED STATES.			
1866, June 27	A report of their progress and doings, and when revised and consolidated to be reported as soon as practicable, and the whole work closed without delay.	Statutes at Large, 1st session 39th Congress.	75	No time specified.
	BY THE CHESAPEAKE BAY AND POTOMAC RIVER TIDE-WATER CANAL COMPANY.			
1866, July 26	A report of their receipts and expenditures on said extension, with a statement of the clear profits thereof.	Statutes at Large, 1st session 39th Congress.	254	No time specified.
	BY THE CONGRESSIONAL PRINTER.			
1866, July 27	A report to the Joint Committee on Printing of estimates of the quantity of paper of all descriptions which will, in his opinion, be required for the execution of the public printing during the coming year, and also to include in his annual report a detailed statement of all proposals made and contracts entered into for the purchase of paper.	Statutes at Large, 1st session 39th Congress.	305	No time specified.
1872, May 8	A detailed report of the accounts for printing and binding ordered by the heads of Departments or public offices.	Statutes at Large, 2d session 42d Congress.	75	In his annual report.

	BY THE DIRECTORS OF THE WASHINGTON COUNTY HORSE-RAILROAD COMPANY.			
1867, Jan. 31	A report annually of their doings	Statutes at Large, 2d session 39th Congress.	12	No time specified.
	BY THE LIGHT-HOUSE BOARD.			
1867, March 2	Directed to make a survey, if no survey has been made, at Crossledge Shoal, or at some other point in the Delaware Bay, in the neighborhood of Sadi Shoal, and report, in the survey to be made or which has already been made, as to the feasibility of erecting thereon a permanent light-house, and an estimate of the amount necessary to be appropriated therefor.	Statutes at Large, 2d session 39th Congress.	57	No time specified.
	BY THE COMMISSIONER OF EDUCATION.			
1867, March 2	A report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this Department is established. In the first report there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same as far as the same can be determined.	Statutes at Large, 2d session 39th Congress.	66	No time specified.
	BY THE CLERK OF THE COURT OF CLAIMS.			
1868, June 25	Directed to furnish a full and complete statement of all the judgments rendered by the said court for the previous year, stating the amounts thereof, and the parties in whose favor rendered, together with a brief synopsis of the nature of the claims upon which said judgments had been rendered.	Statutes at Large, 2d session 40th Congress.	48	At the commencement of each December session.
	CONNECTICUT AVENUE AND PARK RAILWAY COMPANY IN THE DISTRICT OF COLUMBIA.			
1868, July 13	Directed that there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to Congress and to the stockholders.	Statutes at Large, 2d session 40th Congress.	59	
	BY THE COMMISSIONER OF INTERNAL REVENUE.			
1869, March 3	Directed to make a detailed report of the expenditure of the appropriation for salaries and expenses of collectors, assessors, assistant assessors, revenue agents, inspectors, and superintendents of exports and drawbacks, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, to whom paid, how much to each, and for what purpose, giving the item of each payment, and the number of employés.	Statutes at Large, 3d session 40th Congress.	31	In December.
	BY THE LIBRARIAN OF CONGRESS.			
1870, July 8	A report of the number and description of copyright publications for which entries have been made during the year.	Statutes at Large, 2d session 41st Congress.	212	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE SERGEANTS-AT-ARMS OF THE SENATE AND HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE RESPECTIVELY.)			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their terms of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE POSTMASTERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE RESPECTIVELY.)			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their terms of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE DOOR-KEEPER OF THE HOUSE OF REPRESENTATIVES.			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their term of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE COLUMBIA RAILWAY COMPANY OF THE DISTRICT OF COLUMBIA.			
1870, May 24	A report of their doings to Congress or to the Secretary of the Interior, and to the stockholders in general meeting.	Statutes at Large, 2d session 41st Congress.	137	No time specified.
	BY THE COMMISSION TO SELECT A SITE FOR A NEW STATE DEPARTMENT.			
1869, Dec. 14	A report of their doings	Statutes at Large, 2d session 41st Congress.	367	First day of the session.
	BY THE COMMISSION AUTHORIZED BY THE ACT PROVIDING FOR AN INTERNATIONAL EXHIBITION IN PHILADELPHIA IN 1876.			
1871, March 3	A report designating a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the building; a complete plan for the reception and classification of articles intended for exhibition, &c.	Statutes at Large, vol. 16	471	No time specified.
	BY THE COMMISSIONERS OF CLAIMS.			
1871, March 3	A report of their proceedings and of each claim considered	Statutes at Large	525	Commencement of the session.
	BY THE BOARD OF SURVEY OF THE HARBOR AT WASHINGTON, D. C.			
1872, March 5	Report of a plan for opening, improving, and developing the water-channel so as to secure the best possible harbor facilities along said water-front.	Statutes at Large, 2d session 42d Congress.	20	As early as practicable.

CONTINGENT REPORTS.

If a transfer of the appropriations made for any of the Departments or branches of the Government shall have been made, by order of the President of the United States, during the recess of Congress, it is made the duty of the head of the Department in which such transfer shall have been made to report to Congress, during the first week of the session, a special account of the moneys thus transferred, with their application.

See act 3d March, 1809, Statutes at Large, vol. 2, p. 525.
See act 3d March, 1817, Statutes at Large, vol. 3, p. 390.
See act 1st May, 1820, Statutes at Large, vol. 3, p. 568.
See act 30th June, 1834, Statutes at Large, vol. 4, p. 742.

If any State refuses to cede to the United States jurisdiction over the lands purchased by the United States for public purposes, the head of the Executive Department making the application is directed immediately to report the same to Congress.

See Statutes at Large, vol. 5, p. 468.

The several heads of Departments, in communicating estimates of appropriations and expenditures to Congress, or to committees of Congress, are required to specify the sources from which the estimates are derived, with the calculations upon which founded, and to discriminate between such as are conjectural and such as are framed upon specific information; also to specify the laws, treaties, or other authority for the expenditure.

If the head of a Department consolidate appropriations "for the contingencies of his Department and its several Bureaus," he shall, in his annual report to be made to Congress, state the portion of it expended for the Department proper, and for each Bureau.

See Statutes at Large, vol. 5, p. 686.

If, in submitting to Congress the annual estimates from the several Executive Departments of the Government, it shall be found that the usual items of such estimates vary materially in amount from the appropriations ordinarily asked for the object named, and especially from the appropriation granted for the same object for the year next preceding, and whenever new items not theretofore usual shall be introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations, from the head of the appropriate Department, of all such variations and new items, setting forth the reasons and grounds upon which the amounts are required, and the different items added; and whenever any such estimates, whether annual or special, shall ask an appropriation for any new specific expenditure, such as the construction of a fort, the erection of a custom-house or other public building, or the construction of any other public work requiring a plan before the building or work can be properly completed, every such estimate shall be accompanied by a full plan and detailed estimates of the cost of the whole work; and all subsequent estimates for every such work shall give the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate shall be made; and whenever any such subsequent estimate shall ask for an appropriation for any such work beyond the original estimate of the cost, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated.

See Statutes at Large, vol. 5, p. 693.

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42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 2.

LIST OF THE MEMBERS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AND THEIR PLACES OF RESIDENCE

DURING THE

FORTY-SECOND CONGRESS, THIRD SESSION,

COMMENCING MONDAY, DECEMBER 2, 1872.

MAINE.

1. John Lynch ..... Portland.
2. William P. Frye ..... Lewiston.
3. James G. Blaine ..... Augusta.
4. John A. Peters ..... Bangor.
5. Eugene Hale ..... Ellsworth.

NEW HAMPSHIRE.

1. Ellery A. Hibbard ..... Laconia.
2. Samuel N. Bell ..... Manchester.
3. Hosea W. Parker ..... Claremont.

VERMONT.

1. Charles W. Willard ..... Montpelier.
2. Luke P. Poland ..... St. Johnsbury.
3. Worthington C. Smith ..... St. Albans.

MASSACHUSETTS.

1. James Buffinton ..... Fall River.
2. Oakes Ames ..... North Easton.
3. Ginery Twichell ..... Brookline.
4. Samuel Hooper ..... Boston.
5. Benjamin F. Butler ..... Lowell.
6. Nathaniel P. Banks ..... Waltham.
7. Constantine C. Esty ..... Framingham.
8. George F. Hoar ..... Worcester.
9. Alvah Crocker ..... Fitchburg.
10. Henry L. Dawes ..... Pittsfield.

RHODE ISLAND.

1. Benjamin T. Eames ..... Providence.
2. James M. Pendleton ..... Westerly.

CONNECTICUT.

1. Joseph R. Hawley ..... Hartford.
2. Stephen W. Kellogg ..... Waterbury.
3. Henry H. Starkweather ..... Norwich.
4. William H. Barnum ..... Lime Rock.

NEW YORK.

1. Dwight Townsend ..... Stapleton.
2. Thomas Kinsella ..... Brooklyn.
3. Henry W. Slocum ..... Brooklyn.
4. Robert B. Roosevelt ..... New York.
5. William R. Roberts ..... New York.
6. Samuel S. Cox ..... New York.
7. Smith Ely, jr ..... New York.
8. James Brooks ..... New York.
9. Fernando Wood ..... New York.
10. Clarkson N. Potter ..... New Rochelle.
11. Charles St. John ..... Port Jervis.
12. John H. Ketcham ..... Dover.
13. Joseph H. Tuthill ..... Ellenville.
14. Eli Perry ..... Albany.
15. Joseph M. Warren ..... Troy.
16. John Rogers ..... Black Brook.
17. William A. Wheeler ..... Malone.
18. John M. Carroll ..... Johnstown.
19. Elizur H. Prindle ..... Norwich.
20. Clinton L. Merriam ..... Locust Grove.
21. Ellis H. Roberts ..... Utica.
22. William E. Lansing ..... Chittenango.
23. R. Holland Duell ..... Cortland.
24. John E. Seeley ..... Ovid.
25. William H. Lamport ..... Canandaigua.
26. Milo Goodrich ..... Dryden.
27. Horace Boardman Smith ..... Elmira.
28. Freeman Clarke ..... Rochester.
29. Seth Wakeman ..... Batavia.
30. William Williams ..... Buffalo.
31. Walter L. Sessions ..... Panama.

NEW JERSEY.

1. John W. Hazelton ..... Mullica Hill.
2. Samuel C. Forker ..... Burlington.
3. John T. Bird ..... Flemington.
4. John Hill ..... Boonton.
5. George A. Halsey ..... Newark.

PENNSYLVANIA.

1. Samuel J. Randall ..... Philadelphia.
2. John V. Creely ..... Philadelphia.
3. Leonard Myers ..... Philadelphia.
4. William D. Kelley ..... Philadelphia.
5. Alfred C. Harmer ..... Germantown.
6. Ephraim L. Acker ..... Norristown.
7. Washington Townsend ..... West Chester.

8. J. Lawrence Getz.....Reading.
9. Oliver J. Dickey.....Lancaster.
10. John W. Killinger.....Lebanon.
11. John B. Storm.....Stroudsburg.
12. Lazarus D. Shoemaker.....Wilkesbarre.
13. Frank. C. Bunnell.....Tunckhannock.
14. John B. Packer.....Sunbury.
15. Richard J. Haldeman.....Harrisburg.
16. Benjamin F. Meyers.....Bedford.
17. R. Milton Speer.....Huntingdon.
18. Henry Sherwood.....Wellsboro'.
19. Glenni W. Scofield.....Warren.
20. Samuel Griffith.....Mercer.
21. Henry D. Foster.....Greensburg.
22. James S. Negley.....Pittsburg.
23. Ebenezer McJunkin.....Butler.
24. William McClelland.....New Castle.

DELAWARE.

1. Benjamin T. Biggs.....Summit Bridge.

MARYLAND.

1. Samuel Hambleton.....Easton.
2. Stevenson Archer.....Belair.
3. Thomas Swann.....Baltimore.
4. John Ritchie.....Frederick.
5. William M. Merrick.....Ellicott City.

VIRGINIA.

1. John Critcher.....Oak Grove.
2. James H. Platt, jr.....Petersburg.
3. Charles H. Porter.....Richmond.
4. William H. H. Stowell.....Halifax C. H.
5. Richard T. W. Duke.....Charlottesville.
6. John T. Harris.....Harrisonburg.
7. Elliott M. Braxton.....Fredericksburg.
8. William Terry.....Wytheville.

NORTH CAROLINA.

1. Clinton L. Cobb.....Elizabeth City.
2. Charles R. Thomas.....Newbern.
3. Alfred M. Waddell.....Wilmington.
4. Sion H. Rogers.....Raleigh.
5. James M. Leach.....Lexington.
6. Francis E. Shober.....Salisbury.
7. James C. Harper.....Patterson.

SOUTH CAROLINA.

1. Joseph H. Rainey.....Georgetown.
2. Robert C. DeLarge.....Charleston.
3. Robert B. Elliott.....Columbia.
4. Alexander S. Wallace.....Yorkville.

GEORGIA.

1. Archibald T. McIntyre.....Thomasville.
2. Richard H. Whiteley.....Bainbridge.
3. John S. Bigby.....Newnan.
4. Erasmus W. Beck.....Griffin.
5. Dudley M. DuBose.....Washington.
6. William P. Price.....Dahlonega.
7. Pierce M. B. Young.....Cartersville.

ALABAMA.

1. Benjamin S. Turner.....Selma.
2. Charles W. Buckley.....Montgomery.
3. William A. Handley.....Roanoke.
4. Charles Hays.....Haysville.
5. Peter M. Dox.....Huntsville.
6. Joseph H. Sloss.....Tuscumbia.

MISSISSIPPI.

1. George E. Harris.....Hernando.
2. Joseph L. Morphis.....Pontotoc.
3. Henry W. Barry.....Columbus.
4. George C. McKee.....Vicksburg.
5. Legrand W. Perce.....Natchez.

LOUISIANA.

1. J. Hale Sypher.....New Orleans.
2. Lionel A. Sheldon.....New Orleans.
3. Chester B. Darrall.....Brashear.
4. Aleck Boarman.....Shreveport.
5. Frank Morey.....Monroe.

OHIO.

1. Ozro J. Dodds.....Cincinnati.
2. Job E. Stevenson.....Cincinnati.
3. Lewis D. Campbell.....Hamilton.
4. John F. McKinney.....Piqua.
5. Charles N. Lamison.....Lima.
6. John A. Smith.....Hillsboro'.
7. Samuel Shellabarger.....Springfield.
8. John Beatty.....Cardington.
9. Charles Foster.....Fostoria.
10. Erasmus D. Peck.....Perrysburg.
11. John T. Wilson.....Tranquility.
12. Philadelph Van Trump.....Lancaster.
13. George W. Morgan.....Mount Vernon.
14. James Monroe.....Oberlin.
15. William P. Sprague.....McConnellsville.
16. John A. Bingham.....Cadiz.
17. Jacob A. Ambler.....Salem.
18. William H. Upson.....Akron.
19. James A. Garfield.....Hiram.

KENTUCKY.

1. Edward Crossland ..... Mayfield.
2. Henry D. McHenry ..... Hartford.
3. Joseph H. Lewis ..... Glasgow.
4. William B. Read ..... Hodgensville.
5. Boyd Winchester ..... Louisville.
6. William E. Arthur ..... Covington.
7. James B. Beck ..... Lexington.
8. George M. Adams ..... Barboursville.
9. John M. Rice ..... Louisa.

TENNESSEE.

1. Roderick R. Butler ..... Taylorsville.
2. Horace Maynard ..... Knoxville.
3. Abraham E. Garrett ..... Carthage.
4. John M. Bright ..... Fayetteville.
5. Edward I. Golladay ..... Lebanon.
6. Washington C. Whitthorne ..... Columbia.
7. Robert P. Caldwell ..... Huntington.
8. William W. Vaughan ..... Brownsville.

INDIANA.

1. William E. Niblack ..... Vincennes.
2. Michael C. Kerr ..... New Albany.
3. William S. Holman ..... Aurora.
4. Jeremiah M. Wilson ..... Connersville.
5. John Coburn ..... Indianapolis.
6. Daniel W. Voorhees ..... Terre Haute.
7. Mahlon D. Manson ..... Crawfordsville.
8. James N. Tyner ..... Peru.
9. John P. C. Shanks ..... Jay Court-House.
10. William Williams ..... Warsaw.
11. Jasper Packard ..... Laporte.

ILLINOIS.

1. Charles B. Farwell ..... Chicago.
2. John F. Farnsworth ..... St. Charles.
3. Horatio C. Burchard ..... Freeport.
4. John B. Hawley ..... Rock Island.
5. Bradford N. Stevens ..... Siskilwa.
6. Henry Snapp ..... Joliet.
7. Jesse H. Moore ..... Decatur.
8. James C. Robinson ..... Springfield.
9. Thompson W. McNeely ..... Petersburg.
10. Edward Y. Rice ..... Hillsborough.
11. Samuel S. Marshall ..... McLeansboro'.
12. John B. Hay ..... Belleville.
13. John M. Crebs ..... Carmi.

MISSOURI.

1. Erastus Wells ..... St. Louis.
2. Gustavus A. Finkelnburg ..... St. Louis.
3. James R. McCormick ..... Arcadia.

4. Harrison E. Havens ..... Springfield.
5. Samuel S. Burdett ..... Osceola.
6. Abram Comingo ..... Independence.
7. Isaac C. Parker ..... Parker.
8. James G. Blair ..... Canton.
9. Andrew King ..... St. Charles.

ARKANSAS.

1. James M. Hanks ..... Helena.
2. Oliver P. Snyder ..... Pine Bluff.
3. Thomas Boles ..... Dardanelle.

MICHIGAN.

1. Henry Waldron ..... Hillsdale.
2. William L. Stoughton ..... Sturgis.
3. Austin Blair ..... Jackson.
4. Wilder D. Foster ..... Grand Rapids.
5. Omar D. Conger ..... Port Huron.
6. Jabez G. Sutherland ..... Saginaw City.

FLORIDA.

1. Josiah T. Walls ..... Gainesville.

TEXAS.

1. William S. Herndon ..... Tyler.
2. John C. Conner ..... Sherman.
3. D. C. Giddings ..... Brenham.
4. John Hancock ..... Austin.

IOWA.

1. George W. McCrary ..... Keokuk.
2. Aylett R. Cotton ..... Lyons.
3. William G. Donnan ..... Independence.
4. Madison M. Walden ..... Centreville.
5. Frank W. Palmer ..... Des Moines.
6. Jackson Orr ..... Montana.

WISCONSIN.

1. Alexander Mitchell ..... Milwaukee.
2. Gerry W. Hazelton ..... Columbus.
3. J. Allen Barber ..... Lancaster.
4. Charles A. Eldredge ..... Fond du Lac.
5. Philetus Sawyer ..... Oshkosh.
6. Jeremiah M. Rusk ..... Viroqua.

CALIFORNIA.

1. Sherman O. Houghton ..... San José.
2. Aaron A. Sargent ..... Nevada City.
3. John M. Coghlan ..... Suisun City.

MINNESOTA.

1. Mark H. Dunnell ..... Owatonna.
2. John T. Averill ..... St. Paul.

OREGON.

1. James H. Slater ..... Le Grand.

KANSAS.

1. David P. Lowe ..... Fort Scott.

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1. John J. Davis ..... Clarksburg.
2. James C. McGrew ..... Kingwood.
3. Frank Hereford ..... Union.

NEVADA.

1. Charles W. Kendall ..... Hamilton.

NEBRASKA.

1. John Taffe ..... Omaha.

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NEW MEXICO.

1. Jose M. Gallegas .....

UTAH.

1. William H. Hooper ..... Salt Lake City.

WASHINGTON.

1. Selucius Garfielde ..... Olympia.

COLORADO.

1. Jerome B. Chaffee ..... Central City.

DAKOTA.

1. Moses K. Armstrong ..... Yankton.

ARIZONA.

1. Richard C. McCormick ..... Tucson.

IDAHO.

1. Samuel A. Merritt ..... Idaho City.

MONTANA.

1. William H. Clagett ..... Deer Lodge City.

WYOMING.

1. William T. Jones ..... Cheyenne.

DISTRICT OF COLUMBIA.

1 Norton P. Chipman ..... Washington.

JANUARY 2, 1873.

STANDING AND SELECT COMMITTEES

OF THE,

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

FORTY-SECOND CONGRESS, THIRD SESSION.

COMMENCING MONDAY, DECEMBER 2, 1872.

COMMITTEE ON ELECTIONS.

George W. McCrary.....Of Iowa.
George F. Hoar.....Of Massachusetts.
Charles R. Thomas.....Of North Carolina.
Gerry W. Hazelton.....Of Wisconsin.
Benjamin T. Eames.....Of Rhode Island.
William E. Arthur.....Of Kentucky.
William M. Merrick.....Of Maryland.
Edward Y. Rice.....Of Illinois.
Charles Foster.....Of Ohio.

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Horace Maynard.....Of Tennessee.
William D. Kelley.....Of Pennsylvania.
James Brooks.....Of New York.
Gustavus A. Finkelnburg.....Of Missouri.
Horatio C. Burchard.....Of Illinois.
Ellis H. Roberts.....Of New York.
Michael C. Kerr.....Of Indiana.
James B. Beck.....Of Kentucky.

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Freeman Clarke.....Of New York.
Frank W. Palmer.....Of Iowa.
Eugene Hale.....Of Maine.
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Samuel S. Marshall.....Of Illinois.
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Clinton L. Merriam ..... Of New York.
Samuel S. Cox ..... Of New York.
Samuel J. Randall ..... Of Pennsylvania.
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Smith Ely, jr ..... Of New York.
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John Ritchie ..... Of Maryland.
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William Williams ..... Of New York.
Thomas Boles ..... Of Arkansas.

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Daniel W. Voorhees ..... Of Indiana.
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Ebenezer McJunkin ..... Of Pennsylvania.
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John M. Coghlan ..... Of California.
Stevenson Archer ..... Of Maryland.
Jabez G. Sutherland ..... Of Michigan.
Washington C. Whitthorne ..... Of Tennessee.

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Charles W. Willard ..... Of Vermont.
Jacob A. Ambler ..... Of Ohio.
R. Holland Duell ..... Of New York.
Jaspar Packard ..... Of Indiana.
Fernando Wood ..... Of New York.
George W. Morgan ..... Of Ohio.
James C. Robinson ..... Of Illinois.

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Lazarus D. Shoemaker ..... Of Pennsylvania.
William H. Barnum ..... Of Connecticut.
William W. Vaughan ..... Of Tennessee.
Frank Hereford ..... Of West Virginia.
Jerome B. Chaffee ..... Of Colorado.

COMMITTEE ON REVOLUTIONARY PENSIONS AND WAR OF 1812.

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Charles H. Porter ..... Of Virginia.
Benj. T. Eames ..... Of Rhode Island.
Clinton L. Cobb ..... Of North Carolina.
William P. Sprague ..... Of Ohio.
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Samuel C. Forker ..... Of New Jersey.
Robert P. Caldwell ..... Of Tennessee.
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Ebenezer McJunkin ..... Of Pennsylvania.
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Benjamin S. Turner ..... Of Alabama.
John T. Bird ..... Of New Jersey.
Mahlon D. Manson ..... Of Indiana.
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Chas. W. Kendall ..... Of Nevada.

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C. C. Esty.....Of Massachusetts.

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Charles B. Farwell.....Of Illinois.
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Richard H. Whiteley.....Of Georgia.
Harrison E. Havens.....Of Missouri.
John Rogers.....Of New York.
Benjamin F. Meyers.....Of Pennsylvania.

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J. Hale Sypher.....Of Louisiana.
John B. Hay.....Of Illinois.
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Charles W. Kendall.....Of Nevada.

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J. Allen Barber.....Of Wisconsin.
Oliver P. Snyder.....Of Arkansas.
Ephraim L. Acker.....Of Pennsylvania.
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Fernando Wood.....Of New York.
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Lewis D. Campbell.....Of Ohio.

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John Coburn.....Of Indiana.
Job E. Stevenson.....Of Ohio.
Benjamin F. Butler.....Of Massachusetts.
William E. Lansing.....Of New York.
Samuel S. Cox.....Of New York.
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Fernando Wood ..... Of New York.
Samuel S. Marshall ..... Of Illinois.
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Alvah Crocker ..... Of Massachusetts.
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Harrison E. Havens ..... Of Missouri.
Samuel S. Cox ..... Of New York.
Samuel S. Marshall ..... Of Illinois.
John Hancock ..... Of Texas.

FEBUARY 7, 1873.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 4.

RELIEF OF THE STATE OF TENNESSEE.

[To accompany bill H. R. No. 3000.]

PAPERS

RELATIVE TO

CLAIM FOR RELIEF

FROM

The State of Tennessee.

DECEMBER 3, 1872.—Referred to the Committee on the Judiciary and ordered to be printed.

EXECUTIVE OFFICE,
Nashville, Tennessee, November 23, 1872.

DEAR SIR: As you have just been elected a Representative in Congress, by the general vote of the State, I make free to invoke your active and earnest co-operation in securing legislation in behalf of the State of Tennessee.

You will perceive, from an examination of the inclosures, that the United States Government holds three bonds, executed by Governor Brownlow the 1st of June, 1866, for $337,993.73, $94,142.85, and $21,661.73, respectively, and all bearing interest at the rate of $7\frac{3}{10}$ per cent. per annum. The stated account from the Quartermaster-General's office shows the credits that have been given for postal service, and the credits on that account, still to be applied, are not in dispute.

The proof is abundant that the property, for the price of which these bonds were executed, was purchased and placed upon the Memphis, Clarksville, and Louisville Railroad, and the Edgefield and Kentucky Railroad, by the receivers of said roads, and for the owners of said roads. The State was not a party to the purchase and sale. The companies failed to execute bonds, and the general assembly passed an act authorizing the governor to execute bonds to prevent the seizure and removal of the rolling-stock by the agents of the United States Government. And the governor did execute the bonds above alluded to. The property was at Nashville when it was sold. The contract was made at Nashville, and the bond was executed at Nashville.

You will see from an examination of a letter of the Quartermaster-General, addressed to an agent sent by me to Washington City, last summer, (a copy of which is herewith inclosed,) that instructions have been given to institute suits on the bonds.

The general assembly of Tennessee, last winter, passed an act authorizing the governor to settle all claims with the United States Government, and I am very anxious to do so. But you will see, from the Quartermaster-General's letter, that he does not feel authorized to allow any credits except for postal service.

I think the State is entitled to abatements and credits as follows:

1st. In abatement in the price of railroad material and rolling-stock, for which the bonds were executed, to the actual value of the property at the date of sale, that value to be ascertained by proof.

2d. For the value of all bridges and other property on the Memphis, Clarksville, and Louisville Railroad, and the Edgefield and Kentucky road, by the United States Government.

3d. For the value of the rails, cross-ties, and other railway material, removed from the Winchester and Alabama Railroad by the authorities of the United States Government.

The justice and equity of the first proposition becomes appare nt, when I assure you that the evidence is *abundant* and *reliable* that the prices affixed to the property were generally 100 per cent. above the market value. The State was not a party to the con-

tract. The Nashville and Chattanooga road obtained an abatement of nearly 100 per cent. upon a similar purchase made at or near the same time. Other roads have obtained similar abatements. The bonds are not collectable, because they have, upon their face, an illegal rate of interest. The bonds were made and signed in Tennessee. The property was at Nashville, and the contracts made there. Therefore I think the law and the justice of the case is with us. Under the law, if the State cannot be made liable upon the bonds, there is no liability against her. But there is no desire to make this question. We only wish a fair and equitable adjustment.

Upon the second proposition, permit me to say that the Memphis, Clarksville and Louisville Railroad, and the Edgefield and Kentucky road, were in the hands of receivers appointed under the internal improvement laws of Tennessee, at the time they were seized by the military authorities of the United States Government. Bridges were afterward destroyed, as well as other property, by the United States authorities, and rolling-stock and other property removed and appropriated by the Government. And whether, as an original proposition, the companies or the State would or should recover anything from the United States Government, is not the question. The point is, that the State having already lost over $3,000,000 by these roads, is it not right that the credit should be allowed as against such a demand as is now made against her? I think she ought. The claim is on file in the Department, well fortified by proof.

As to the third proposition, I must inform you that the Winchester and Alabama Railroad was in the hands of a receiver, under the internal improvement laws, at the time it was seized by the military authorities of the United States Government in 1863. This road was about thirty miles in length, and had been built only two or three years; the track was laid of the best English rail. The military authorities having but little use for the road, took up and removed the rails, cross-ties, &c., to another road, and used them during the war, and they have never been returned, and no compensation allowed from any source. After the war, the general assembly loaned the credit of the State to that road to purchase iron and relay their track, and to purchase rolling-stock. The road has since been sold for $300,000, and the State loses nearly $1,000,000 entirely. But before the sale, the directors of the road filed their claim against the Government and proved it, and then assigned to the State, as a payment in part of their indebtedness to the State. You will find the claim, amounting to over $300,000, in the proper Department.

I can see no good reason why this claim cannot or should not be allowed.

To meet the objection urged by the Quartermaster-General, I propose that an appeal be made to Congress for an enabling act, and inclosed you have a hastily drawn bill, which I beg of you to reform, (if you think necessary,) and introduce at the opening of the session in December proximo, and press its passage.

You would render a great service to the State if you could get the matter adjusted, or rather secure legislation that would result in a speedy adjustment. I will either visit Washington, or send an agent, if you think it necessary or desirable.

I have written very hastily, and without much reflection. I feel sure, however, that all the important facts are furnished. Please write me your opinion, as well as the progress of the business.

Very respectfully, your obedient servant,

JNO. C BROWN,
Governor.

Hon. HORACE MAYNARD,
Knoxville, Tennessee.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., July 3, 1872.

SIR: In reply to your letter of the 28th ultimo, I have to state that the State of Tennessee is indebted to the United States for rolling-stock and railway material, purchased in 1865 for the Memphis, Clarksville and Louisville Railroad, in the sum of $454,613.37, and for rolling-stock and railway material, purchased for the Edgefield and Kentucky Railroad, $170,481.81, making the total due July 1, 1872, $625,095.18.

These debts were incurred by the receivers for the State of the respective roads, Mr. George T. Lewis being the purchaser, receiver, and purchasing for the Memphis, Clarksville and Louisville Railroad, and Mr. R. B. Cheatham being the receiver, and purchasing for the Edgefield and Kentucky Railroad. The property was sold the State for those roads, and to other roads in Tennessee and elsewhere, under the provisions and upon the conditions of Executive orders of August 8 and October 14, 1865. Copies inclosed.

Bonds were executed by the governor of the State, under the express authority of the legislature thereof for the payment of the debts. Copies inclosed.

I inclose, as requested, statements of the accounts with the roads above named to July 1, 1872, showing the debits and credits.

The Memphis, Clarksville and Louisville Railroad has presented a claim against the United States for use of road and property taken and destroyed during the war, amounting to $232,166.48. The Edgefield and Kentucky Railroad has presented no claim, but is understood to have one.

The claim of the Memphis, Clarksville and Louisville Railroad has been disallowed by this office for the reason that the road and property belonging to it were captured from a public enemy and thereupon became the property of the United States, so as to relieve it from all charges for its use and destruction. See acts of August 6, 1861, July 17, 1862, and March 12, 1863, and for the further reason that payment for the use of such property is prohibited by law. See acts of July 4th, 1864, and February 21st, 1867, and acts above named. The above furnishes, I believe, all the information specifically called for in relation to the two roads in your letter, but I desire to add that the debts are now more than four years past due, and yet no provision has been made, so far as this office is informed, for their payment. This Department is specifically charged by the Secretary of War with the collection of the amount due. The bonds also require payment to be made to the Quartermaster's Department. I shall therefore be pleased if the governor will provide for the early payment of the debts. Papers have been prepared and submitted to the Attorney-General for the purpose of instituting suit against the State to recover the amount.

One of the conditions upon which the property was sold is that the postal earnings shall be applied to the liquidation of the debt. To carry it out the Post-Office Department requires that an agent shall be appointed by proper authority to give drafts or orders in favor of the Quartermaster's Department for the amount due and to become due. The requirement in the case of the Memphis, Clarksville and Louisville Railroad has been complied with and credits properly made, but in the case of the Edgefield and Kentucky Railroad it has not been complied with since 1867; there is, therefore, four and one-half years' postal pay due that road uncredited. I suggest that the governor designate some person as required by the inclosed circular for that purpose, and that the person so appointed give Major M. I. Ludington, quartermaster, United States Army, an order on the Postmaster General for the amount due, (the amount need not be actually stated,) that the same may be placed to the credit of the road.

There is due the United States from the McMinnville and Manchester Railroad Company $70,332.86. Suit is pending against the company to recover the amount.

The United States have no claims against the State of Tennessee, except those mentioned above for purchases of railway material.

I shall be pleased to furnish you at any time any further information you may desire.

Very respectfully, your obedient servant,

_____ _____,
Quartermaster General, Brevet Major-General, United States Army.

Hon. AND. B. MARTIN,
Grand Central Hotel, New York City.

RAILROAD INDEBTEDNESS, FORM E.

The Edgefield and Kentucky Railroad Company, in account with the United States, for railway material purchased under executive orders.

DR.

November 30, 1865, to purchases		$114,772 86
June 30, 1872, interest and expenses		57,574 54
		172,347 40

CR.

October 18, 1867, by certified accounts	$287 12	
November 25, 1867, by certified accounts	21 56	
January 28, 1868, by post-office warrant	846 22	
February 6, 1868, by post-office warrant	360 00	
October 26, 1867, by certified accounts	16 60	
December 5, 1867, by Treasury award	18 35	
November 18, 1867, by Treasury award	315 74	
		1,865 59
June 30, 1872, by balance		170,481 81

I certify that the foregoing statement is correct.

M. LUDINGTON,
Quartermaster, United States Army.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 2, 1872.

The Memphis, Clarksville and Louisville Railroad Company, in account with the United States, for railway material purchased under executive orders.

Dr.		
November 30, 1865, to purchases		$336,932 36
June 30, 1872, interest and expenses		164,890 99
		501,823 35
Cr.		
May 10, 1867, by certified accounts	$380 30	
June 30, 1867, by certified accounts	52 74	
October 18, 1867, by certified accounts	6 93	
October 31, 1867, by cash	2,095 57	
November 7, 1867, by certified accounts	22 78	
November 30, 1867, by cash	2,027 96	
August 4, 1868, by post-office warrant	11,201 43	
February 10, 1869, by post-office warrant	2,963 26	
February 10, 1869, by post-office warrant	100 00	
January 6, 1868, by Treasury award	8 20	
July 22, 1868, by Treasury award	4 10	
June 13, 1868, by Treasury warrant	3,973 18	
May 5, 1869, by post-office warrant	1,526 55	
March 26, 1869, by cash	244 55	
November 12, 1869, by post-office warrant	3,073 42	
February 2, 1870, by post-office warrant	1,536 71	
May 26, 1870, by post-office warrant	1,546 87	
August 18, 1870, by post-office warrant	1,546 87	
October 31, 1870, by Treasury warrant	180 84	
August 31, 1871, by Treasury award	280 22	
May 31, 1872, by post-office warrant	14,437 50	
		47,209 98
June 30, 1872, by balance		454,613 37

I certify that the foregoing statement is correct.

M. LUDINGTON,
Quartermaster, United States Army.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 2, 1872.

AN ACT to incorporate the Tennessee and Pacific Railroad Company.

* * * * * * *

SECTION 57. *Be it further enacted*, That the governor be, and he is hereby, authorized to execute a bond (for the purchase of railroad machinery, cars, and all other material purchased for the use and benefit of the Memphis, Clarksville and Louisville Railroad, from the United States military railroad department and at Nashville) to the United States.

* * * * * * *

SECTION 62. *Be it further enacted*, That this act shall take effect from and after its passage.

Passed May 24, 1866.

WILLIAM HEISKELL,
Speaker of the House of Representatives.

———,
Speaker of the Senate.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of so much of an act of the general assembly of Tennessee, passed May 24, 1866, as relates to the execution of a bond by the governor to the United States for railroad material, the original of which is now on file in the clerk of the senate's office, not signed by the speaker of the senate, but is now the law.

In testimony whereof I have hereunto subscribed my official signature, and by order of the governor affixed the great seal of the State of Tennessee, at the department, in the city of Nashville, this 5th day of June, A. D. 1866.

A. J. FLETCHER,
Secretary of State.

[SEAL.]

True copy.

M. LUDINGTON,
Brevet Lieutenant-Colonel and Quartermaster, United States Army.

Bond.

Know all men by these presents that the State of Tennessee, by the act of the legislature of the State hereto attached, and made part hereof by Wm. G. Brownlow, governor of the State, for and in behalf of the said State of Tennessee, does hereby acknowledge itself held and firmly bound unto the United States of America in the full and just sum of $94,142.85, with interest thereon at the rate of 7.3 per cent. per annum, from November 30, 1865, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the 30th day of November, A. D. 1865, the said State of Tennessee, by its governor, hereby binds itself and its successors firmly by these presents.

Sealed with its great seal, attested by the signature of its governor, and affixed by the express authority of the legislature, this 1st day of June, in the year of our Lord 1866.

The nature of the above obligation is such that whereas the above bounden State of Tennessee has purchased and received from the War Department of the United States (for the use of the Edgefield and Kentucky Railroad) rolling-stock, iron-rails, cross-ties, chairs, spikes, timber, and other material for repairing and operating said road in quantities, at prices, and to an amount and value which shall be evidenced by the receipts given for the same by R. B. Cheatham, receiver on the part of the State of Tennessee, to the proper officer of the War Department, upon a credit of two years from the 30th day of November, A. D. 1865, payable in equal monthly installments, with interest at the rate of 7.3 per cent. per annum, within the said two years, either in cash to the disbursing quartermaster of the United States military railroads at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department for this purpose, or in transportation of the troops or military supplies of the United States under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and whereas the said State of Tennessee desires, and by these presents intends to secure to the United States, the complete and punctual payment, as aforesaid, of the amounts which may be due for the said materials received by it from the United States; and whereas no payments have been made, up to the date of these presents, although large sums are due, in accordance with the terms of purchase of the materials aforesaid: Now, therefore, if the said State of Tennessee shall well and truly pay to the United States of America as aforesaid, within thirty days from the date of these presents, all arrears of interest and installments due the United States upon the date hereof, to wit, the sum of twenty-six thousand nine hundred and sixty-two dollars and fifty-four cents, and shall thereafter pay in equal monthly installments, either in cash or in transportation as aforesaid, to the United States, within two years from November thirtieth, A. D. one thousand eight hundred and sixty-five, then this obligation shall be void and of no effect. But if the said State of Tennessee shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States, within two years from November thirtieth, A. D. one thousand eight hundred and sixty-five. either in cash as aforesaid, or in transportation as aforesaid, or shall fail to pay any of the monthly installments aforesaid punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid, and all loss or damage which may have been incurred by the United States, by reason of the failure of the said State of Tennessee to pay for the same what shall be due therefor, when the same shall be due. And, as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said State of Tennessee, and in default of such complete and punctual payment of all moneys which may be due on account of the aforesaid purchase of materials, be fully authorized to take possession of and sell said property, and also to place in charge and control of the said Edgefield and Kentucky Railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case of such default as aforesaid, to collect all the revenues of the said railroad, and apply the same to the payment to the United States of all the moneys which shall be due at the times of such application of such revenues to the United States for any such material which shall have been delivered by the United States to the said State of Tennessee for the use of said railroad, or by reason of any loss or injury to the United States, resulting from such default in payment of the same. And the said State of Tennessee shall have no authority to sell or convey out of its possession without the consent of the United States, first in writing obtained, any of the property referred to in this agreement, but shall hold and retain the same to the exclusive use of said Edgefield and

Kentucky Railroad in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid for as aforesaid.

In witness whereof the great seal of said State of Tennessee is affixed hereto by authority of its legislature, and attested by its governor.

WILLIAM G. BROWNLOW,
Governor State of Tennessee.

Witness:
[SEAL.] A. J. FLETCHER,
Secretary of State.

Know all men by these presents that the State of Tennessee, by the act of the legislature of the State hereto attached and made part hereof by W. G. Brownlow, governor of the State, for and in behalf of said State of Tennessee, does hereby acknowledge itself indebted and firmly bound with the United States of America in the full and just sum of three hundred and thirty-seven thousand nine hundred and ninety-three dollars and seventy-two cents, with interest thereon at the rate of $7\frac{3}{10}$ per cent. per annum from November thirtieth, eighteen hundred and sixty-five, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the thirtieth day of November, A. D. eighteen hundred and sixty-five, the said State of Tennessee, by its governor, hereby binds itself and its successors firmly by these presents, sealed with its great seal, attested by the signature of the governor, and affixed by the express authority of the legislature, this first day of June, in the year of our Lord one thousand eight hundred and sixty-six.

The nature of the above obligation is such that, whereas the above bounden State of Tennessee has purchased and received from the War Department of the United States, for the use of the Memphis, Clarksville and Louisville Railroad, rolling-stock, iron-rails, cross-ties, chairs, spikes, timbers, and other material for repairing and operating said railroad, in quantity at prices, and to an amount and value which shall be evidenced by the receipts given for the same by George T. Lewis, receiver on the part of the State of Tennessee, to the proper officer of the War Department, upon a credit of two years from the thirtieth (30) day of November, A. D. eighteen hundred and sixty-five, payable in equal monthly installments with interest at the rate of $7\frac{3}{10}$ per cent. per annum within the said two years, either in cash to the disbursing officer or quartermaster of the United States military railroads at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department for this purpose, or in transportation of the troops or military supplies of the United States under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and,

Whereas the said State of Tennessee desires and by these presents intends to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said material received by it from the United States; and whereas no payments have been made up to the date of these presents, although large sums are due in accordance with the terms of purchase of the materials aforesaid:

Now, therefore, if the State of Tennessee shall well and truly pay to the United States of America as aforesaid, either in cash or in transportation as aforesaid, within thirty (30) days from the date of these presents, all arrears of interest and installments due the United States upon the date hereof, to-wit, the sum of ninety-six thousand eight hundred and one dollars and forty-four cents, ($96,801.44,) and shall thereafter pay in equal monthly installments, either in cash or in transportation, as aforesaid, to the United States within two years from November thirtieth, A. D. eighteen hundred and sixty-five, then this obligation to be void and of no effect.

But if the said State of Tennessee shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States within two years from November thirtieth, (30,) A. D. eighteen hundred and sixty-five, either in cash as aforesaid or in transportation as aforesaid, or shall fail to pay any of the monthly installments aforesaid punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid; and all loss or damage which may have been incurred by the United States by reason of the failure of the State of Tennessee to pay for the same what shall be due therefor, when the same shall be due, and as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said State of Tennessee, and in default of such complete and punctual payment of all moneys which may be due on account of the aforesaid purchase of materials, be fully authorized to take possession of and sell said property, and also to place in charge and control of the said Memphis, Clarksville and Louisville Railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case

of such default as aforesaid, to collect all the revenues of the said railroad, and apply the same to the payment to the United States of all the moneys which shall be due at the times of such application of such revenues to the United States for any such materials which shall have been delivered by the United States to the said State of Tennessee for the use of said railroad, or by reason of any loss or injury to the United States, resulting from such default in the payment of the same. And the said State of Tennessee shall have no authority to sell or convey out of its possession, without the consent of the United States first in writing obtained, any of the property referred to in this agreement, but shall hold and retain the same to the exclusive use of said Memphis, Clarksville and Louisville Railroad in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid as aforesaid.

In witness whereof the great seal of said State of Tennessee is affixed hereto by authority of its legislature and attested by its governor.

WILLIAM G. BROWNLOW,
Governor State of Tennessee.

Witness:
A. J. FLETCHER,
Secretary of State.

Know all men by these presents that the State of Tennessee, by the act of the legislature of the State hereto attached, and made part hereof, by W. G. Brownlow, governor of said State, for and in behalf of said State of Tennessee, does hereby acknowledge itself indebted and firmly bound with the United States of America in the full and just sum of $21,661.73, with interest thereon at the rate of $7\frac{3}{10}$ per cent. per annum, from February 28, 1866, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the 28th day of February, A. D. 1866, the said State of Tennessee, by its governor, hereby binds itself and its successors firmly by these presents. Sealed with its great seal, and attested by the signature of its governor, affixed by the express authority of the legislature, this the 1st day of June, 1866. The nature of the above obligation is such, that whereas the above-bounden State of Tennessee has purchased and received from the War Department of the United States, for the use of the Edgefield and Kentucky Railroad, rolling-stock, iron rails, cross-ties, chairs, spikes, timber, and other materials, for repairing and operating said railroad, in quantities, at prices, and to an amount and value which shall be evidenced by the receipts given for the same by R. B. Cheatham, receiver on the part of the State of Tennessee, to the proper officer of the War Department, upon a credit of two years from the 28th day of February, A. D. 1866, payable in equal monthly installments, with interest, at the rate of $7\frac{3}{10}$ per cent. per annum, within the said two years, either in cash to the disbursing officer, quartermaster of the United States military railroads, at his office, in Nashville, or to such other disbursing quartermaster as may be designated by the War Department for this purpose, or in transportation of the troops or military supplies of the United States, under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and whereas the said State of Tennessee desires, and by these presents intends, to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said materials received by it from the United States; and whereas no payments have been made up to the date of these presents, although large sums are due in accordance with the terms of purchase of the materials aforesaid: Now, therefore, if the State of Tennessee shall well and truly pay to the United States of America, as aforesaid, either in cash or in transportation, as aforesaid, within thirty days from the date of these presents, all arrears of interest and installments due the United States upon the date hereof, to wit, the sum of $3,106.31, and shall thereafter pay, in equal monthly installments, either in cash or in transportation, as aforesaid, to the United States, within two years from February 28, A. D. 1866, then this obligation shall be void and of no effect.

But if the said State of Tennessee shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States within two years from February 28, A. D. 1866, either in cash or in transportation, as aforesaid, or shall fail to pay any of the monthly installments aforesaid, punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid, and all loss or damage which may have been incurred by the United States by reason of the failure of the State of Tennessee to pay for the same what shall be due thereon and therefor when the same shall be due; and as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said State of Tennessee, and in default of such complete and

punctual payment of all moneys which may be due on account of the aforesaid purchase of materials be fully authorized to take possession of and sell said property, and also to place in charge and control of the said Edgefield and Kentucky Railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case of such default as aforesaid, to collect all the revenues of the said railroad and apply the same to the payment to the United States of all the moneys which shall be due at the time of such application of such revenues to the United States for any such materials which shall have been delivered by the United States to the said State of Tennessee for the use of said railroad, or by reason of any loss or injury to the United States resulting from such default in payment of the same; and the said State of Tennessee shall have no authority to sell or convey out of its possession, without the consent of the United States first in writing obtained, any of the property referred to in this agreement, but shall hold and retain the same to the exclusive use of said Edgefield and Kentucky Railroad, in carrying on the business of transportation of persons and property over its lines of road until the whole is fully paid for as aforesaid.

In witness whereof the great seal of said State of Tennessee is affixed hereto by authority of its legislature, and attested by its governor.

WILLIAM G. BROWNLOW,
Governor State of Tennessee.

Witness:
[SEAL.] A. J. FLETCHER,
Secretary of State.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 5.

PUBLIC PROPERTY IN CUSTODY OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

LETTER

FROM

THE CLERK OF THE HOUSE OF REPRESENTATIVES,

TRANSMITTING

His annual report of public property in his possession.

DECEMBER 3, 1872.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., December 2, 1872.

SIR: In accordance with the requirements of the act of Congress approved July 15, 1870, I have the honor to submit the annexed account of property belonging to the United States in my possession at this date.

Very respectfully,

EWD. McPHERSON.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives of the United States.

Inventory of property belonging to the United States in possession of the Clerk of the House of Representatives on the 2d day of December, 1872.

ROOM NO. 55.

1 square flat desk.
10 chairs.
2 desks.
1 mantel-clock.
1 hat-stand.
1 water-filter.
3 file-cases.
1 fender and fire-irons.
1 water-pail.
1 carpet.
3 waste-baskets.
1 six-light chandelier.
3 spittoons.
1 large mirror.
1 step-ladder.

ROOM NO. 56.

5 desks.
2 nests of drawers.
5 chairs.
1 water-tankard.
5 waste-baskets.
1 carpet.
1 book-case.
1 large mirror.
2 drop-lights.
1 six-light chandelier.
1 mantel-clock.
1 hat-stand.

ROOM NO. 57.

1 square flat desk.

1 hat-stand.
3 desks.
2 spittoons.
1 mantel-clock.
2 settees.
1 book-case.
9 chairs.
1 official seal and case.
1 water-tankard.
1 marble-top stand.
1 six-light chandelier.
1 large mirror.
1 iron safe.
4 waste-baskets.
2 carpets.
1 water-bucket.

Clerk's Room, No. 58.

3 desks.
7 chairs.
1 lounge.
1 fender and fire-irons.
1 mantel-clock.
1 large mirror.
1 hat-stand.
2 drop-lights.
1 water-tankard.
1 marble-top stand.
4 waste-baskets.
2 spittoons.
2 carpets.
1 nest of shelves.
2 book-cases.
1 six-light chandelier.
1 newspaper-rack.

Room Foot of Private Staircase.

3 desks.
3 chairs.
3 waste-baskets.
2 spittoons.
1 wash-stand.
1 small mirror.
1 four-light chandelier.
1 drop-light.
1 carpet.
1 wash-bowl and pitcher.
1 rope mat.

Upholsterer's Room.

1 desk.
2 chairs.
1 work-bench.
1 water-filter.

Store-room.

1 desk.
1 lounge.
1 chair.
1 small mirror.
1 wash-stand.
1 wash-basin and pitcher.

House Library.

5 desks.
6 chairs.
1 lounge.
1 small mirror.
3 nine-light chandeliers.
5 waste-baskets.
1 carpet.
4 spittoons.
1 water-pitcher.
1 water-bucket.
1 step-ladder.

Branch Library on Floor of House.

1 table.
2 chairs.
1 step-ladder.
1 spittoon.
1 waste-basket.
1 four-light chandelier.
1 carpet.

Clerk's Document-room.

1 desk.
1 table.
6 chairs.
1 lounge.
1 clock.
2 book-cases.
1 small mirror.
1 six-light chandelier.
1 four-light chandelier.
1 hat-stand.
1 water-cooler.
1 water-pail.
2 spittoons.
1 waste-basket.
1 large basket.
1 carpet.

Stationery-room.

3 tables.
4 chairs.
1 step-ladder.
1 nest of drawers.
1 fender and fire-irons.
1 wash-stand.
1 wash-basin and pitcher.
1 water-bucket.
1 large office-table.
1 large stationery-case.
1 small mirror.
1 carpet.

Bath-room.

1 sofa.
12 chairs.
1 table.
5 mirrors.

Congressional Committee-room.

8 chairs.
6 spittoons.
1 wash-stand.
1 wash-basin and pitcher.
1 drop-light.
1 cocoa carpet.

Engineer's Office.

5 lounges.
8 chairs.
1 desk.
1 table.
1 wash-stand.
1 book-case.
1 clock.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 6.

EXPOSITION AT VIENNA.

LETTER

FROM

THE SECRETARY OF STATE,

ADDRESSED TO THE

CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS,

INCLOSING

A dispatch from the minister of the United States at Vienna, concerning the Exposition of the World's Industry at Vienna.

DECEMBER 6, 1872.—Referred to the Committee on Foreign Affairs and ordered to be printed.

DEPARTMENT OF STATE,
Washington, December 3, 1872.

SIR: I have the honor to submit, for the consideration of the committee over which you preside, a copy of a dispatch of the 27th of August last, from Mr. Jay, the minister of the United States at Vienna, relating to the universal exhibition to be held there in the year 1873.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. N. P. BANKS,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

[Inclosure.]

Mr. Jay to Mr. Fish, August 27, 1872, No. 460.

Mr. Jay to Mr. Fish.

AMERICAN LEGATION,
Vienna, August 27, 1872.

SIR: I herewith transmit to the Department (by the same post with this dispatch) the official list of foreign commissioners to the Vienna Exposition.

Beyond the appointment of the Hon. Thomas B. Van Buren, as chief commissioner for the United States, I am not aware what action may have been had, or may be proposed by the President, under the act of

Congress approved June 10, 1872, in the appointment of additional agents. As the number of agents authorized by the act seems to be unlimited, it may be, perhaps, proper to call your attention to the list, as showing that the European powers, in view of the wide scope of the coming Exposition, have found it expedient to appoint an unusual number of commissioners and agents.

Belgium, for example, has some 80 members in her commission, headed by his royal highness the Count of Flanders, and 150 subcommissioners. Germany has a central commission of nine members, and state commissioners to a number exceeding 170, and Italy has named 38 commissioners, 250 special representatives of her chambers of commerce, &c., and 9 institutions of the fine arts.

In case the President should deem it advisable, for present assistance to the chief commissioner, and for the more perfect representation of the United States at Vienna, in case Congress shall approve and assist the object, to appoint, as I believe he has done for our centennial celebration in 1876, one commissioner from each State; and perhaps one also for each principal city which may desire to be represented, as well as representative men from the leading collegiate, scientific, and art institutions of the country, and, in addition, an expert to take the charge of each of the twenty-six groups into which the Exposition is divided, and to prepare the statistics of production asked for by the programme, the total number of such commissioners would be small, when compared, with those of the countries alluded to.

The general groups of which the classifications and divisions are given in No. 3 of the Exposition papers are as follows:

Group 1. Mining, quarrying, and metallurgy.
Group 2. Agriculture, horticulture, and forestry.
Group 3. Chemical industry.
Group 4. Articles of food as products of industry.
Group 5. Textile industry and clothing.
Group 6. Leather and India-rubber industry.
Group 7. Metal industry.
Group 8. Wood industry.
Group 9. Stone, earthenware, and glass industry.
Group 10. Small ware and fancy goods.
Group 11. Paper industry and stationery.
Group 12. Graphic arts and industrial drawing.
Group 13. Machinery and means of transport.
Group 14. Philosophical instruments, surgical instruments.
Group 15. Musical instruments.
Group 16. The art of war.
Group 17. The Navy.
Group 18. Civil engineering, public works, and architecture.
Group 19. The private dwelling-house.
Group 20. The farm-house; its arrangements, furniture, and utensils.
Group 21. National domestic industry.
Group 22. Representation of the influence of museums of fine arts applied to industry.
Group 23. Art applied to religion.
Group 24. Objects of fine arts of the past, exhibited by amateurs and owners of collections.
Group 25. Fine arts of the present time.
Group 26. Education, teaching, and instruction.

There will be also competitive trials of machinery and apparatus of different dates, to give an epitome of the "History of Inventions;" an

exhibition of products at different epochs to exhibit the "History of Industry," and to show the influence of science on the conversion of waste into use, with a further aim to give a "History of Prices," and a representation of the commerce and trade of the world, and its industrial progress since the London Exhibition of 1851.

The international congress to be held during the Exposition on subjects connected with various branches of science and arts; the fine arts in their application to industry; education in its different aspects; architecture, engineering, mining-engineering, banking, insurance, agriculture, &c., all subjects in the discussion of which the views of American representatives of scientific attainment, practical experience, and general culture, will command attention.

I presume, from the act passed by Congress, (as I believe without opposition,) that that body regards favorably the invitation of the imperial and royal government to the United States to assist at the Exposition, and that it only awaits the recommendation of the President, based upon the preliminary report of the commissioner, to make such an appropriation as it may deem appropriate to the dignity of the occasion and the estimated expenses.

The short interval before the assembling of Congress, and the fact that no funds have yet been appropriated, will, undoubtedly, make it difficult for Mr. Van Buren to prepare, before the opening of Congress, a full report, showing the probable number of inventors and manufacturers in each State, who, with assistance from the Government, will take part in the Exposition, with a list of the articles to be exhibited in each group. But knowing, as I do, the spirited generosity and the executive ability which an object that touches the national pride or the national interest can always command among our countrymen, the ready aid which will be given by the press, and the facilities which will be afforded by the telegraph companies, I have no doubt that with the efficient co-operation of assistant commissioners, representing the various branches, the President may be perfectly advised by the 1st of December, not only of the extent and character of the contribution which the United States could make, but of the assistance which would be afforded by the railroad and steamboat companies of the country, and by the lines of ocean steamers in a reduction from the usual frieght charges.

With such an advice the President and Congress could act intelligently, and in ample time to allow American exhibitors, even from the Pacific, to be in Vienna with their goods by the 15th April.

I have no hesitation in saying that I think it extremely desirable that our republic should be properly represented on this occasion.

While the increasing military preparations in every part of Europe seem to indicate, if not a warlike policy, at least a belief in the necessity and inevitable recurrence of war, with its terrific burdens in times of peace, as a chronic symptom of the European system, the Vienna Exposition, as its programmes significantly show, is a movement on a scale of unexampled magnitude in the direction of a higher civilization, looking to the elevation and happiness of the masses and the encouragement of good will between rival nationalities.

In this view, despite the historic fact that former International Expositions have been followed by wars, the Vienna Exposition is regarded as coming at a timely moment to encourage the hope created by the tribunal at Geneva, that some mode is attainable, consistently with the honor of governments and nations, for the peaceful settlement of international disputes.

While the Vienna Exposition thus accords with American principles, policy, and interests, a due regard to international courtesy and to our own prestige would seem to require that on such an occasion, when all the powers of the world are to assist, we should appear neither reluctantly nor parsimoniously, but with ready cordiality, and in a manner to give a just idea of our actual progress in science, art, education, and industry.

This view is enforced in no small degree by the importance attributed, it may be for differing reasons, by the governments and the people of the Old World, to the example of our republic, its popular basis, its stability and power, its material prosperity, its educational system, its enlarging political and moral influence; but at the present moment it is invested with a special force, by the fact that we propose presently to inaugurate a similar exposition at Philadelphia, and to ask the powers of the world to assist in celebrating our centennial birth-year.

I presume nothing would more tend to insure a compliance with our wishes in 1876, than our appearance at Vienna in 1873, with an exposition conveying a just idea of our national progress. Of the advantages to accrue to our inventors and manufacturers from their representation at Vienna, they require only the facts to enable them to form an intelligent appreciation; a glance at the latest maps of Eastern Europe, and especially of Austria, Hungary, and Russia, (copies of which I send,) showing that Vienna is the center of a fast extending net-work of railways, and the last commercial depot of Europe from which goods are distributed to the East. This Exposition, the first of its kind in Eastern Europe, will not only attract visitors from Western Europe and from all parts of this empire, but from Russia, the principalities, Turkey, Egypt, and the farther East.

The extraordinary preparations for the Exposition which are being made in Germany and other parts of the continent, and the earnest activity on the subject that is beginning to be shown in England, which has hitherto shown little interest in the matter, seems to indicate that the manufacturers of Europe attach to it a great importance.

International commissioners are beginning to assemble at Vienna to facilitate their arrangements, and the German commissioners, as early as April, engaged for their personal accommodation an apartment with nearly thirty rooms.

Rents are rising, and American exhibitors would find it for their interest to have one or more agents on the spot as soon as possible.

In one branch of the Exposition, that of education, Baron Schwarz-Senborn relies confidently upon the assistance of the United States; and a similar hope has been expressed to me by Count Andrassy and the Barons Von Hoffmann and Orezy, of the foreign office.

I have the honor to be, sir, your most obedient servant,

JOHN JAY.

Hon. HAMILTON FISH,
Secretary of State.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 7.

EXPOSITION AT VIENNA.

LETTER

FROM

THE SECRETARY OF STATE,

ADDRESSED TO

THE CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS,

TRANSMITTING

A paper relative to negotiation for freight-rates.

DECEMBER 6, 1872.—Referred to the Committee on Foreign Affairs and ordered to be printed.

DEPARTMENT OF STATE,
Washington, December 3, 1872.

SIR: I have the honor to submit, for the consideration of the committee over which you preside, a copy of a letter of the 4th of October last, from General Thomas B. Van Buren, the commissioner on the part of the United States to the Universal Exhibition to be held at Vienna in the year 1873, recommending that two United States vessels be placed at his disposal at the proper time, for the transportation of all articles of American exhibitors intended for the said exhibition.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. N. P. BANKS,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

[Inclosure.]

General Van Buren to Mr. Fish, October 4, 1872.

OFFICE OF UNITED STATES COMMISSIONER TO INTERNATIONAL EXPOSITION AT VIENNA, AUSTRIA, IN 1873,
51 *Chambers Street, New York, October* 4, 1872.

SIR: My efforts thus far to secure some reduction in the freight of articles destined for the exhibition at Vienna from the Bremen or Hamburg steamship lines have been unsuccessful. Negotiations are not

Kentucky Railroad in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid for as aforesaid.

In witness whereof the great seal of said State of Tennessee is affixed hereto by authority of its legislature, and attested by its governor.

WILLIAM G. BROWNLOW,
Governor State of Tennessee.

Witness:
[SEAL.] A. J. FLETCHER,
Secretary of State.

Know all men by these presents that the State of Tennessee, by the act of the legislature of the State hereto attached and made part hereof by W. G. Brownlow, governor of the State, for and in behalf of said State of Tennessee, does hereby acknowledge itself indebted and firmly bound with the United States of America in the full and just sum of three hundred and thirty-seven thousand nine hundred and ninety-three dollars and seventy-two cents, with interest thereon at the rate of $7\frac{3}{10}$ per cent. per annum from November thirtieth, eighteen hundred and sixty-five, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the thirtieth day of November, A. D. eighteen hundred and sixty-five, the said State of Tennessee, by its governor, hereby binds itself and its successors firmly by these presents, sealed with its great seal, attested by the signature of the governor, and affixed by the express authority of the legislature, this first day of June, in the year of our Lord one thousand eight hundred and sixty-six.

The nature of the above obligation is such that, whereas the above bounden State of Tennessee has purchased and received from the War Department of the United States, for the use of the Memphis, Clarksville and Louisville Railroad, rolling-stock, iron-rails, cross-ties, chairs, spikes, timbers, and other material for repairing and operating said railroad, in quantity at prices, and to an amount and value which shall be evidenced by the receipts given for the same by George T. Lewis, receiver on the part of the State of Tennessee, to the proper officer of the War Department, upon a credit of two years from the thirtieth (30) day of November, A. D. eighteen hundred and sixty-five, payable in equal monthly installments with interest at the rate of $7\frac{3}{10}$ per cent. per annum within the said two years, either in cash to the disbursing officer or quartermaster of the United States military railroads at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department for this purpose, or in transportation of the troops or military supplies of the United States under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and,

Whereas the said State of Tennessee desires and by these presents intends to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said material received by it from the United States; and whereas no payments have been made up to the date of these presents, although large sums are due in accordance with the terms of purchase of the materials aforesaid:

Now, therefore, if the State of Tennessee shall well and truly pay to the United States of America as aforesaid, either in cash or in transportation as aforesaid, within thirty (30) days from the date of these presents, all arrears of interest and installments due the United States upon the date hereof, to-wit, the sum of ninety-six thousand eight hundred and one dollars and forty-four cents, ($96,801.44,) and shall thereafter pay in equal monthly installments, either in cash or in transportation, as aforesaid, to the United States within two years from November thirtieth, A. D. eighteen hundred and sixty-five, then this obligation to be void and of no effect.

But if the said State of Tennessee shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States within two years from November thirtieth, (30,) A. D. eighteen hundred and sixty-five, either in cash as aforesaid or in transportation as aforesaid, or shall fail to pay any of the monthly installments aforesaid punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid; and all loss or damage which may have been incurred by the United States by reason of the failure of the State of Tennessee to pay for the same what shall be due therefor, when the same shall be due, and as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said State of Tennessee, and in default of such complete and punctual payment of all moneys which may be due on account of the aforesaid purchase of materials, be fully authorized to take possession of and sell said property, and also to place in charge and control of the said Memphis, Clarksville and Louisville Railroad an agent of the said United States, who shall be fully empowered, and by these presents is fully empowered, in case

of such default as aforesaid, to collect all the revenues of the said railroad, and apply the same to the payment to the United States of all the moneys which shall be due at the times of such application of such revenues to the United States for any such materials which shall have been delivered by the United States to the said State of Tennessee for the use of said railroad, or by reason of any loss or injury to the United States, resulting from such default in the payment of the same. And the said State of Tennessee shall have no authority to sell or convey out of its possession, without the consent of the United States first in writing obtained, any of the property referred to in this agreement, but shall hold and retain the same to the exclusive use of said Memphis, Clarksville and Louisville Railroad in carrying on the business of transportation of persons and property over its line of road until the whole is fully paid as aforesaid.

In witness whereof the great seal of said State of Tennessee is affixed hereto by authority of its legislature and attested by its governor.

WILLIAM G. BROWNLOW,
Governor State of Tennessee.

Witness:
A. J. FLETCHER,
Secretary of State.

Know all men by these presents that the State of Tennessee, by the act of the legislature of the State hereto attached, and made part hereof, by W. G. Brownlow, governor of said State, for and in behalf of said State of Tennessee, does hereby acknowledge itself indebted and firmly bound with the United States of America in the full and just sum of $21,661.73, with interest thereon at the rate of $7\frac{3}{10}$ per cent. per annum, from February 28, 1866, lawful money of the United States, for which payment, well and truly to be made to the disbursing quartermaster of the United States military railroads, at his office in Nashville, or to such other disbursing quartermaster as may be designated by the War Department, within two years from the 28th day of February, A. D. 1866, the said State of Tennessee, by its governor, hereby binds itself and its successors firmly by these presents. Sealed with its great seal, and attested by the signature of its governor, affixed by the express authority of the legislature, this the 1st day of June, 1866. The nature of the above obligation is such, that whereas the above-bounden State of Tennessee has purchased and received from the War Department of the United States, for the use of the Edgefield and Kentucky Railroad, rolling-stock, iron rails, cross-ties, chairs, spikes, timber, and other materials, for repairing and operating said railroad, in quantities, at prices, and to an amount and value which shall be evidenced by the receipts given for the same by R. B. Cheatham, receiver on the part of the State of Tennessee, to the proper officer of the War Department, upon a credit of two years from the 28th day of February, A. D. 1866, payable in equal monthly installments, with interest, at the rate of $7\frac{3}{10}$ per cent. per annum, within the said two years, either in cash to the disbursing officer, quartermaster of the United States military railroads, at his office, in Nashville, or to such other disbursing quartermaster as may be designated by the War Department for this purpose, or in transportation of the troops or military supplies of the United States, under the orders of the proper military authorities, at the rates of fare and tolls allowed for such service to northern railroads; and whereas the said State of Tennessee desires, and by these presents intends, to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said materials received by it from the United States; and whereas no payments have been made up to the date of these presents, although large sums are due in accordance with the terms of purchase of the materials aforesaid: Now, therefore, if the State of Tennessee shall well and truly pay to the United States of America, as aforesaid, either in cash or in transportation, as aforesaid, within thirty days from the date of these presents, all arrears of interest and installments due the United States upon the date hereof, to wit, the sum of $3,106.31, and shall thereafter pay, in equal monthly installments, either in cash or in transportation, as aforesaid, to the United States, within two years from February 28, A. D. 1866, then this obligation shall be void and of no effect.

But if the said State of Tennessee shall fail to pay to the United States all or any portion of what may be due to the United States on account of the said materials received from the United States within two years from February 28, A. D. 1866, either in cash or in transportation, as aforesaid, or shall fail to pay any of the monthly installments aforesaid, punctually when due, then this obligation shall remain in full force and effect to the extent that may be necessary to fully repay to the United States for the full amount which may be due on account of the said materials so received as aforesaid, and all loss or damage which may have been incurred by the United States by reason of the failure of the State of Tennessee to pay for the same what shall be due thereon and therefor when the same shall be due; and as a further security for such payment and indemnity to the United States, the United States shall have a lien upon the property sold to said State of Tennessee, and in default of such complete and

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 9.

DAKOTA INDIAN WAR OF 1862.

MEMORIAL

AND ACCOMPANYING PAPERS OF THE

LEGISLATURE OF DAKOTA TERRITORY,

RELATIVE TO

The Dakota Indian war of 1862.

DECEMBER 9, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

Your memorialists, the legislative assembly of the Territory of Dakota, do represent that whereas the governor of this Territory did, on the 30th day of August, A. D. 1862, issue a proclamation calling out the militia forces of the Territory for the purpose of protection against impending attacks of hostile Sioux Indians; and whereas our citizens liable to military duty did respond promptly and faithfully to the call and commands of the governor, which valuable services rendered have thus far been without payment or reward, as well as the other expenses incurred in furnishing provisions for said military forces and erecting fortifications, all of which more fully appear by the territorial auditor's report, herewith accompanying:

Therefore, your memorialists, conscious of the justness of asking the General Government to defray the expenses enumerated in the accompanying auditor's report, do hereby pray your honorable body to appropriate to the Territory of Dakota the sum of twenty-eight thousand one hundred and thirty-seven dollars and seventeen cents, ($28,137.17,) being the amount sufficient to meet the indebtedness incurred during the Indian hostilities of the fall of 1862.

Your memorialists also ask the attention of Congress to the fact that our Territory is yet in its infancy, and has been retarded in the development of her resources by Indian troubles, and that it appears to your memorialists that it would be unjust to ask our citizens by taxation to meet the expense above referred to, especially when it is considered that, at the commencement of our Indian troubles, we were without adequate protection from the General Government.

You memorialists trust that your honorable body will not be unmindful of the important fact that the amount asked for is comparatively small to the amounts claimed by other Territories for similar services, and under no more trying circumstances; and, further, your memorialists do aver that the several amounts audited and allowed by the com-

missioner appointed by the legislative assembly for such purpose are reasonable in the extreme; and it is earnestly hoped that the valuable services of our citizen-soldiers will not be permitted by Congress to go unrequited in so small a degree, when, by their untiring watchfulness, and hardships endured by them in the field, protection was not only offered to our own settlements, but also to the settlements of Northern Nebraska, Northwestern Iowa, and Western Minnesota.

EXECUTIVE OFFICE, YANKTON, D. T.,
November 23, 1872.

I, Edwin S. McCook, secretary and acting governor of Dakota Territory, do hereby certify that the foregoing memorial of the legislative assembly of 1862–'63 is a correct transcript from the official files in my office.

Witness my hand and the great seal of said Territory, at Yankton, this 23d day of November, 1872.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor of Dakota Territory.

PROCLAMATION.

Whereas the recent Indian outbreak, and the war in Minnesota, and the still more recent attack at Sioux Falls, and the murder in open daylight of one of our oldest and most respected settlers, and his son, (Judge Amidon and son,) in their field, within a mile of a place guarded by a detachment of the Dakota Cavalry, gives us good reason to fear Indian depredations, and warns us to prepare for defense. Therefore—

It is ordered that every male citizen in the Territory, between the ages of eighteen and fifty, shall at once enrol himself in a company to be formed for home defense in his respective county, with such arms as he may have in his possession.

Immediately on the reception of this proclamation, it is ordered that the citizens of Cole County assemble at Elk Point, for the purpose of organizing a company for home protection; that the citizens of Clay County meet at the town of Vermillion; that the citizens of Yankton County meet at the town of Yankton; that the citizens of Bon Homme County meet at Bon Homme; the citizens of Todd County will meet at the settlement opposite the mouth of the Running Water River; and the citizens of Charles Mix County, will meet at Pease settlement.

I have already made a requisition on the commanding officer at Fort Randall for arms and ammunition, which will at once be distributed among the companies formed If a sufficient supply of arms cannot be had at Fort Randall, I will at once supply each company with arms from Fort Leavenworth.

The citizens of each county will, after assembling together, proceed to elect their own officers, who will be commissioned by me as soon as the returns of the election shall be sent to this office. I will endeavor to secure from the Yankton agency a few reliable Yankton Indians to act as scouts.

In witness whereof I have hereunto subscribed my name and affixed my official seal.

Done at Yankton, this thirtieth day of August, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM JAYNE,
Governor.

JOHN HUTCHINSON, *Secretary.*

I, Edwin S. McCook, secretary and acting governor of Dakota Territory, do hereby certify that the foregoing is a true and correct transcript of the proclamation, now on record in my office.

Witness my hand and the great seal of said Territory this 2d day of November, 1872.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor of Dakota.

SPECIAL ORDER.

HEADQUARTERS DAKOTA MILITIA,
Yankton, Dakota Territory, October 7, 1862.

Whereas Indian depredations have recently been committed within the limits of our Territory, and a feeling of anxiety and insecurity prevails among the inhabitants, which is rapidly depopulating the Territory; and having applied by special messenger to General Blunt, commanding the Department of Kansas, for troops from without our limits to protect our settlements, and owing to a change in this military department, and the application not yet having been complied with:

Therefore, believing that longer delay will endanger the lives and property of our inhabitants, it is hereby ordered that the militia shall forthwith enter upon active service. I have concluded to accept eight companies of volunteer militia, (four companies of infantry and four of cavalry,) to serve for nine months unless sooner discharged. This force will be tendered to Major-General Pope for his acceptance into the United States service for the said term of nine months.

The officers and men of the cavalry companies will be required to furnish their own horses, equipments, and clothing until such time as the same can be otherwise furnished. Rations will be furnished the men as soon as they are accepted by me. The pay will be the same as allowed to similar companies in the United States service.

The militia companies in the Territory, organized, will be accepted as soon as tendered with a full complement of men, which requires, by territorial law, thirty men as the minimum number for cavalry, and forty for infantry.

In addition to those companies now organized, other companies will be accepted until the full number is obtained.

Rendezvous will be designated to each company as soon as it shall be accepted.

It is hoped that, in this time of danger to our frontier, amid national embarrassment, our citizens will promptly respond to this call, and defend their firesides from the outrages of the Indian, and restore to our inhabitants that quiet and security which but recently prevailed, and re-establish Dakota as a safe and inviting home to the emigrant.

WM. JAYNE,
Governor and Commander in-Chief of Militia, Dakota Territory.

SECRETARY'S OFFICE,
Yankton, Dakota, November 2, 1872.

I, Edwin S. McCook, secretary and acting governor of Dakota Territory, do hereby certify that the foregoing is a true and correct transcript ot the order of Governor Jayne, now on record in my office.

Witness my hand and the great seal of said Territory this 2d day of November, 1872.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor of Dakota.

TERRITORY OF DAKOTA, EXECUTIVE OFFICE,
Yankton, May 6, 1863.

SIR: On the 8th ultimo I made a requisition upon you for three companies of soldiers, to be stationed at different points in this Territory, to which you have never seen fit even to reply.

I have now to make a second requisition for immediate protection. Last night Mr. Jacobson was killed by Indians at Grannay's Ferry, on James River, about four miles from this place, (the capital,) and another man wounded. This must increase the alarm which has heretofore existed. The people are not secure in their homes, and we must have protection at once, or more lives will be lost and the Territory abandoned. I hope, general, you will give this sufficient consideration to act upon it, or give it at least a reply.

I am, sir, very respectfully, your obedient servant,

JOHN HUTCHINSON,
Acting Governor.

Brigadier-General JOHN COOK,
Commanding First District,
Department of the Northwest, Sioux City, Iowa.

SECRETARY'S OFFICE,
Yankton, D. T., November 2, 1872.

I, Edwin S. McCook, secretary and acting governor of Dakota Territory, do hereby certify that the foregoing is a true and correct transcript of the official letter of Acting Governor John Hutchinson, which is now on record in my office.

Witness my hand and the great seal of said Territory, this 2d day of November, 1872.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor of Dakota.

EXTRACT FROM THE ANNUAL MESSAGE OF GOVERNOR JAYNE TO THE TERRITORIAL LEGISLATURE, DECEMBER 18, 1862.

"During the past year our people have suffered from Indian depredations, and the continual fear of being plundered and murdered by the roving bands of lawless savages who have been prowling around our settlements, has been a great source of annoyance and alarm to our citizens.

"The murder of Judge Amidon and son at Sioux Falls, occurring immediately upon the receipt of the first news of the terrible massacre of men, women, and children in Minnesota, very justly alarmed the settlers in that portion of the Territory.

"Knowing their inability to protect themselves against any considerable force of Indians with the small detachment of Dakota Cavalry I had stationed there, they have wisely concluded to withdraw to the more thickly-settled portions of the Territory, lying upon the Missouri River. After the abandonment of Sioux Falls the Indians came in and destroyed and burned the town, and all the improvements in the surrounding country. Upon the reception of the news of this attack at Sioux Falls, coupled with the news of a great savage war in Minnesota, and the actual presence of hostile bands in the vicinity of our towns, a feeling of general alarm naturally spread throughout the Territory, and many of our citizens removed into Iowa.

"As we had but one military company stationed in the whole country between the Big Sioux River and Fort Randall, and as this company was divided into several detachments, and could render only limited aid to our scattered settlements, I issued a proclamation calling for the organization of the entire militia of the Territory. Finding, however, that the feeling of insecurity was likely to depopulate some of our counties, I dispatched Lieutenant Kellam, a special messenger, to General Blunt, commanding the Department of Kansas, with letters and a requisition for arms, ammunition, and additional troops.

"As no troops could be sent to us immediately, I thought it necessary to call into active service a part of our militia, which would tend to restore confidence and give us protection until United States troops could be stationed in our midst.

"I would recommend that an act be passed authorizing the auditor of the Territory to audit the military accounts of the Territory, and to issue warrants sufficient to defray the expenses connected with subsisting and paying the militia for the time they have been in actual service; and then, when the amount is ascertained, the legislature memorialize Congress for an appropriation sufficient to refund to the Territory all the expenses incurred by her in maintaining the militia force."

SECRETARY'S OFFICE,
Yankton, Dakota Territory, November 2, 1872.

I hereby certify that the foregoing extract from the annual message of Governor Jayne is a true transcript from the official records of this office.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor of Dakota Territory.

EXTRACT FROM THE ANNUAL MESSAGE OF GOVERNOR NEWTON EDMUNDS, DECEMBER 9, 1863.

"I transmit herewith the full and very able report of our territorial auditor, to whom much credit is due for the fidelity with which he has performed his laborious and arduous duties. Incorporated into the report is that of Hon. James Tufts, special commissioner, by act of our last legislature, approved January 9, 1863, to pass upon claims of our citizens for services in the militia, under the proclamation of my predecessor, issued on the 30th day of August, 1862, calling out 'the entire militia of the Territory' for the protection of the lives and property of our citizens.

"With great promptness and unanimity our citizens responded to the call of the governor; remained in service, and afforded ample and perfect protection until the immediate danger was over, and until relieved by a force of volunteers regularly mustered into the service of the United States.

"The best commentary on the faithfulness and fidelity of Commissioner Tufts, in the discharge of his delicate duties, is shown in the aggregate of these claims, which only amounts to $28,137.17 for two months' services of our militia, including rations, forage, transportation, &c. These figures can but compare favorably with claims of like character which have occurred in other Territories under similar circumstances.

"I would, therefore, renew the recommendation of my predecessor in his last annual message, that you memorialize Congress for an appro-

priation sufficient to refund to the Territory all the expenses incurred by her in providing for the maintainance of the militia on the occasion referred to."

SECRETARY'S OFFICE,
Yankton, Dakota Territory, November 2, 1872.

I, Edwin S. McCook, secretary and acting governor of the Territory of Dakota, do hereby certify that the foregoing extract from the annual message of Governor Edmunds is a correct transcript from the official records of this office.

Witness my hand and the great seal of said Territory this 2d day of November, 1872.

[SEAL.] EDWIN S. McCOOK,
Secretary and Acting Governor.

TERRITORY OF DAKOTA, *Clay County, ss:*

We, A. A. Partridge, Samuel Lyon, William Shriner, and G. B. Bigelow, do solemnly swear that we were engaged in the Dakota Indian war of 1862, assigned to position in the Dakota militia, as hereto respectfully subcribed by us, called out by proclamation of the governor dated August 30, 1862; that the Indians, who had committed horrible massacres of several hundred people in the adjoining State of Minnesota, in the same month, having pushed their murderous invasion to the settlements of Dakota, at Sioux Falls two farmers were killed in their fields in open daylight, and a detachment of United States cavalry and the citizens driven from the town, while in other settlements of the Territory the United States mail-carriers were being waylaid and shot dead upon the highways, and whole settlements of industrious farmers driven from their fields, to take refuge, with their wives and children, in the barracks of the towns; that immediately upon the receipt of the news of the murders at Sioux Falls, and the evacuation of the town, the governor of said Territory issued the aforementioned proclamation, calling out the entire militia force of the Territory to protect the defenseless settlements; that the invaders and murderers fell upon the settlements so unexpectedly and suddenly, creating such an alarm and consequent panic, that the governor aforesaid was compelled to at once call out the militia, for the protection of life and property, before sending to the Secretary of War for authority to do so, the nearest telegraph and railway station then being over three hundred miles distant from the capital of the Territory; that the governor, supposing himself to have Federal authority to call out said militia, by virtue of his appointment by the President, did not afterward communicate to the Secretary of War for a confirmation of his order and proclamation; that, in consequence of said invasion and murders, and in presence and in pursuance of said proclamation of the governor, the people of the Territory remained under arms and in the militia service for more than two months, protecting the frontier settlements of the American border until United States troops were sent to their aid.

A. A. PARTRIDGE,
First Lieutenant, Company C, Dakota Militia.
SAMUEL LYON,
Sergeant Company C, Dakota Militia.
WM. SHRINER,
Private, Company C, Dakota Militia.
G. B. BIGELOW,
Private, Company C, Dakota Militia.

Subscribed and sworn to before me this 27th day of November, A. D. 1872.

[SEAL.] S. W. KIDDER,
Clerk United States Court, First Judicial District, Territory of Dakota.

TERRITORY OF DAKOTA, *County of Union, ss:*

I, Milton M. Rich, state that I was second lieutenant of Dakota militia, and belonged to Company E, and served for two months, called out in pursuance of the proclamation of the governor of Dakota Territory, under date of August 30, 1862. And I, William H. H. Fate, state that I was sergeant of the aforesaid company for the two months above described, in pursuance of the governor's proclamation, as above stated.

MILTON M. RICH.
WILLIAM H. H. FATE.

Sworn to before me, and signed by the said Milton M. Rich and the said William H. H. Fate, in my presence, this 21st day of November, A. D. 1872.

[SEAL.] S. B. SAVAGE,
Notary Public for Union County, Dakota Territory.

EXTRACT FROM THE "HISTORY OF DAKOTA," (PAGE 41,) NOW IN THE CONGRESSIONAL LIBRARY.

Simultaneously with the eve of the Delegate election in 1862 came the painful tidings confirming the rumors of the bloody massacre in Minnesota, by the rebellious bands of Sioux. The fearful tale that a thousand people had been hurried to death by these savages in the short space of five days, and that the revengeful army, reeking in innocent blood, decked in the garb of victory, and proud with spoils and bleeding captives, was moving westward on the weak and defenceless settlements of Dakota, could not but cast terror and tears around the hearthstone of many a happy family. Here they had planted their abodes in the wilderness, and with scanty means and frugal industry were perfecting, day by day, their little house of peace and confort. But hark! the war-cry is heard; the Sioux are on the plain; two citizens are murdered at noon-day, and our unarmed and infant settlements stand trembling within the grasp of 30,000 Indians. The panic flies from house to house and from village to village until three-fourths of the entire Territory is a moving caravan of people. Stout-hearted men stood blanched with terror; pale-faced mothers concealed their tears, and strove, with saddened smiles, to calm the night-sobs of the weeping young; and when the last ray of sunlight had left the land of ripening harvest and the dark mantle of night was closed over river and wood and plain, in homes where the voice of gladness and the sound of industry was heard no more, surely the pall of death seemed to be settling over the grave of the Territory. But not so. Dakota had men of nerve and daring; and some 300 of these pioneers remained in the Territory, threw up their hasty fortifications, and, with rifle in hand, stood sentinels day and night, to protect their homes and families from the nightly-expected attack of the red man's knife and tomahawk.

The town of Sioux Falls was abandoned, and the citizens fled to the settlements on the Missouri River for protection. At that place two citizens had been murdered in their fields at noon-day, and the Indians had entered the town and fired upon a company of soldiers. The mail-carrier between Sioux Falls and Yankton had been waylaid and robbed, and a party of miners descending the Missouri River in open boats was attacked and murdered by a band of Sioux near Painted Woods Creek, and no news of the fate of the unfortunate victims reached the settlement until late in the winter. In the vicinity of Yankton, a small war-party boldly entered the settlement on James River, fired upon citizens in the threshold of their own cabins, resisted a detachment of soldiers, and departed to the plains with their stolen plunder, while the farmers of the settlement, with their families and herds, resorted to the barracks of the town for refuge. Aside from these, no deliberate attack was made on the settlements in the Missouri Valley. Gradually the fear of the people abated, and before the close of autumn, much of the scattered population which had fled to the neighboring Territory of Nebraska and State of Iowa began to return to their homes, and succeeded in gathering sufficient supply from their damaged and wasting harvests to subsist themselves through the coming winter.

COMMISSIONER'S REPORT.

DAKOTA TERRITORY,
OFFICE COMMISSIONER OF MILITARY ACCOUNTS,
Yankton, March 18, 1863.

SIR: In compliance with an act of the legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota," approved January 9, 1863, I submit the following report:

Sections one and two of the above-entitled act read as follows: "Section 1. That James Tufts is hereby appointed and constituted a commissioner to audit all of the military accounts outstanding against the Territory of Dakota. Sec. 2. That all persons having military claims against the Territory are hereby required to present them to the said James Tufts on or before the 1st day of March, 1863, and he, the said James Tufts, shall have the same audited and presented to the auditor by the 18th day of March, 1863."

The following general order was published in the Dakotian, a weekly newspaper published at Yankton, and the Dakota Republican, a weekly newspaper published at Vermillion, in said Territory, to wit:

ORDER No. 12.]

GENERAL HEADQUARTERS, DAKOTA TERRITORY,
ADJUTANT GENERAL'S OFFICE,
Yankton, January 27, 1863.

To Captains F. M. ZIEBACH, A. W. PUETT, DANIEL GIFFORD, A. J. BELL, and MAHLON GORE, Dakota militia:

By order of the commander-in-chief, I am directed to instruct all captains of militia companies raised in the Territory, under the proclamation of the governor issued August 30, 1862, for protection against Indians, to report themselves without delay to the Hon. James Tufts, at

Yankton, who, by an act of the territorial legislature, approved January 9, 1863, has been appointed a commissioner to audit the military accounts of the Territory; and you will then and there present for adjustment the property, authenticated accounts, and claims of your respective companies for services and material furnished for the public defense.

By order of the commander-in-chief.

C. P. BOOGE,
Adjutant-General.

In pursuance of said act, and in conformity to the above order, I entered upon the discharge of the duties of the responsible trust confided to me. It will be observed that the enactment conferred plenipotentiary power upon the commissioner in the discharge of the duties imposed, without enjoining any special directions, or providing for the defrayment of such expenses as might be incurred in obtaining evidence or examining witnesses necessary to a just and equitable adjustment of the claims presented. In the absence of all directionary provisions, the commissioner established as a rule that all claims presented, whether for material furnished, labor performed, or service rendered, should be authenticated and duly certified to by the commander-in-chief of the militia, or by the captains, or some commmissioned officer in command in the county or district where the expense was incurred. Under this rule the commissioner has acted, and in auditing the claims herewith presented he has in no instance sought to obtain testimony beyond the authentication of the commanding officer.

The few claims which have been presented for material and labor have, in nearly every case, in the opinion of the commissioner, been marked by moderation and justice, and this class of accounts have, with perhaps an exception or two, been allowed in full. The accounts of militia companies for military service rendered were in most cases unavoidably conflicting and irregular. The names of the same individuals, in several instances, appeared on different rolls, but in all cases duly certified by the proper officer. This clashing in the returns of the various commanders of companies is attributable to the unfitness and incongruity of our present militia law, together with those conspiring circumstances incident to an unsettled and alarmed state of the public at the time the several companies were ordered into service; and, in the opinion of the commissioner, such collisions were inevitable, and, therefore, excusable.

The proclamation under which the militia of the Territory was organized and called into active service was issued on the 30th day of August, 1862. The order has not been revoked at the present writing, nor has the militia been discharged from service by any official order, or otherwise. Under these circumstances, the captains could not do otherwise than present their claims for pay from the time they entered the service to the first day of the present month. Though not in constant service, they were obliged, under the law, to hold themselves in readiness, subject to the orders of the commander-in-chief, and by virtue of the existing orders they are entitled to the presumption of uninterrupted active service. While the commissioner, therefore, deems the accounts of the militia-men for four months' pay as reasonable and justifiable by the outstanding orders of the executive of the Territory, he is quite aware that the term of actual active service would fall considerably short of the period named above, and the commissioner has therefore endeavored to approximate, in auditing these pay-accounts, as nearly as in his

power, to such time as would be warranted by facts, paying due regard to the interests of the claimants, and according them the benefit of any uncertainty or margin of doubt existing. The commissioner believes that some companies have performed more actual service than others, but as there was no evidence before him to show the length of time which any of them had been in actual service, (other than the muster-rolls,) he resorted to a uniform rule of allowance, as may be seen by the schedule hereunto appended. In conforming to this rule, it may be that slight injustice has been done in some cases, but the commissioner is confident that no other rule could have been pursued whereby more exact justice could have been accorded.

The commissioner trusts that the incompleteness of our territorial militia system, and the complications and embarrassments consequent thereto, together with the meager provisions of the law creating this commission, and a desire to award to the yeoman militia of Dakota their full and just deserts, will furnish a plenary excuse for his shortcomings, and pardon to him those errors into which he may have unconsciously fallen.

All of which is respectfully submitted.

JAMES TUFTS,
Commissioner.

JUSTUS TOWNSEND, Esq.,
Auditor of Dakota Territory.

The foregoing report was accompanied by an itemized statement of the accounts audited and allowed by the commissioner, which concluded with the following summary:

RECAPITULATION.

ON WHAT ACCOUNT AUDITED.

Pay, commutations, &c., of Company A, Dakota militia, for two months	$4, 629 00
Pay, commutations, &c., of Company B, Dakota militia, for two months	2, 206 00
Pay, commutations, &c., of Company C, Dakota militia, for two months	4, 811 00
Pay, commutations, &c., of Company D, Dakota militia, for two months	3, 128 00
Pay, commutations, &c., of Captain Fuller's company, for two months	2, 027 00
Recruiting service and pay of staff, for two months	3, 320 82
Quartermaster's department for two months	2, 312 85
Commissary department for two months	5, 095 75
Surgeon and hospital expenses for two months	406 75
Incidental expenses for two months	200 00
Total	28, 137 17

Agreeable to the list of audited accounts reported to me by the commissioner, and in obedience to the act creating the commission, I issued warrants on the treasurer, to the amount of $28,137.17, as represented by the following statement:

Statement of warrants issued for the military expenses of the Territory of Dakota, by authority of chapter 50 of statutes of 1862-'63.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
1	F. M. Ziebach	$261 00	78	John La Fevire	$51 00
2	David Fisher	221 00	79	A. W. Puett	261 00
3	John Lawrence	211 00	80	A. A. Patridge	221 00
4	George W. Kingsbury	65 00	81	John W. Boyle	211 00
5	Antoine Robeart	59 00	82	L. Bethun	65 00
6	Samuel Mortimer	59 00	83	F. B. Jewell	59 00
7	Samuel Grant	59 00	84	George Demmick	59 00
8	Henry C. Ash	59 00	85	F. M. Thompson	59 00
9	Obed Foote	53 00	86	O. B. Larson	51 00
10	Henry Bradley	53 00	87	Frank Verzine	51 00
11	William H. Werdebaugh	53 00	88	L. R. Sivalhson	51 00
12	J. C. Trask	53 00	89	C. Ellefson	51 00
13	H. T. Bailey	53 00	90	Lewis Larson	51 00
14	John Rouse	53 00	91	Timon Johnson	51 00
15	D. T. Bramble	53 00	92	A. Anderson	51 00
16	Newton Edmunds	53 00	93	R. Thorson	51 00
17	James M. Allen	51 00	94	Nels Nelson	51 00
18	Henry Arend	51 00	95	T. Halverson	51 00
19	M. K. Armstrong	51 00	96	Iver Larson	51 00
20	John E. Allen	51 00	97	E. Ellingson	51 00
21	William Bordeno	51 00	98	A. Peterson	51 00
22	George Brown	51 00	99	Jesse Shriner	51 00
23	P. V. Brown	51 00	100	J. Russell	51 00
24	John Bradley	51 00	101	Ole Anderson	51 00
25	W. N. Collamer	51 00	102	Samuel Thompson	51 00
26	J. W. Evans	51 00	103	H. K. Vick	51 00
27	A. D. Fisher	51 00	104	C. Larson	51 00
28	James Faucett	51 00	105	Ole Bottolfson	51 00
29	B. C. Fowler	51 00	106	A. C. Van Meter	51 00
30	N. Felling	51 00	107	H. A. Kennerly	51 00
31	James Faulkingburg	51 00	108	Minor Robinson	51 00
32	L. M. Griffith	51 00	109	J. P. Burgman	51 00
33	J. B. Greenway	51 00	110	Frank Taylor	51 00
34	J. R. Hanson	51 00	111	M. Larson	51 00
35	William High	51 00	112	John Burt	51 00
36	Peter Johnson	51 00	113	Peter Nelson	51 00
37	Augustus High	51 00	114	A. Iverson	51 00
38	Samuel Jerne	51 00	115	A. Garzon	51 00
39	John Johnson	51 00	116	A. Brugier	51 00
40	John Keltz	51 00	117	John Brugier	51 00
41	George W. Lamson	51 00	118	John Gedrass	51 00
42	William P. Lyman	51 00	119	C. V. Cordier	51 00
43	Charles McKinny	51 00	120	Alex. Dombrouse	51 00
44	William Miner	51 00	121	Erick Oleson	51 00
45	John McGuire	51 00	122	Erick Johnson	51 00
46	Charles Noland	51 00	123	Samuel Lyon	51 00
47	Barry Oleson	51 00	124	B. W. Collar	51 00
48	George N. Propper	51 00	125	Henry Omeg	51 00
49	Thomas C. Power	51 00	126	George W. Pratt	51 00
50	Charles F. Picotte	51 00	127	G. B. Bigelow	51 00
51	Charles F. Rossteascher	51 00	128	N. Ross	51 00
52	P. H. Roseling	51 00	129	J. Carpenter	51 00
53	J. M. Reed	51 00	130	A. Carpenter	51 00
54	T. J. Reed	51 00	131	H. Gunderson	51 00
55	Washington Reed	51 00	132	Sevir Strik	51 00
56	J. S. Presho	51 00	133	H. Burgess	51 00
57	J. M. Stone	51 00	134	M. McCue	51 00
58	A. B. Smith	50 00	135	P. Eckman	51 00
59	John Smart	51 00	136	Lyman Burgess	51 00
60	Henry Strunk	51 00	137	James Whitehorn	51 00
61	John Stanage	51 00	138	J. W. Tawney	51 00
62	William Thompson	51 00	139	A. Halverson	51 00
63	A. Van Osdel	51 00	140	H. Knudson	51 00
64	Rudolph Van Ins	51 00	141	J. Knudson	51 00
65	Bly Wood	51 00	142	P. Anderson	51 00
66	Charles Wallace	51 00	143	M. Severson	51 00
67	C. S. White	51 00	144	H. Oleson	51 00
68	James Wetherspoon	51 00	145	Charles Shosa	51 00
69	O. B. Wheeler	51 00	146	Otto Oleson	51 00
70	Cosac Bouret	51 00	147	William Shriner	51 00
71	L. Oleson	51 00	148	P. H. Jewell	51 00
72	—— Skagar	51 00	149	S. B. Mulholland	51 00
73	—— Egleberson	51 00	150	J. P. Mulholland	51 00
74	Charles Philbrick	51 00	151	J. A. Jacobson	51 00
75	Lewis Peterson	51 00	152	Gustave Jacobson	51 00
76	D. W. Reynolds	51 00	153	H. Compton	51 00
77	William Stevens	51 00	154	E. M. Bond	51 00

Statement of warrants issued for the military expense, &c.—Continued.

MAY 1862.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
155	Jacob Duel	$51 00	234	James Skinner	$51 00
156	L. D. Robinson	51 00	235	Robert Wallace	51 00
157	M. Wilkinson	51 00	236	Joseph Stager	51 00
158	J. M. Allen	51 00	237	John F. Hook	51 00
159	B. Bothon	51 00	238	Jacob Kiel	51 00
160	H. Wargnas	51 00	239	Henry Hartsough	51 00
161	H. Peterson	51 00	240	B. M. Smith	51 00
162	Mahlon Gore	204 00	241	John Brown	51 00
163	S. M. Crooks	225 00	242	Ira Brown	51 00
164	M. M. Rich	211 00	243	Sterling S. Parker	51 00
165	Nels Oleson	65 00	244	Jock Napoleon	59 00
166	Lawrence Degman	59 00	245	Peter Lapan	59 00
167	Ole Kettleson	59 00	246	William G. Hargis	59 00
168	William H. Fate, jr	59 00	247	William Long	51 00
169	T. Andrews	51 00	248	Steven Williams	51 00
170	Theodore Oleson	51 00	249	Christopher Arend	51 00
171	M. Monson	51 00	250	Pierre Clermont	51 00
172	Ole Halverson	51 00	251	Benjamin Gray	51 00
173	H. Townsend	51 00	252	Jacob Hack	51 00
174	D. Ross	51 00	253	Luke Marnie	51 00
175	F. Furlong	51 00	254	Pierre Du Puis	51 00
176	Barny Verwick	51 00	255	J. Gelianah	51 00
177	E. B. Lamoure	51 00	256	William Van Osdel	51 00
178	S. Horton	51 00	257	Erastus Rowley	51 00
179	Joseph Furlong	51 00	258	Mose Arconge	51 00
180	W. W. Frisbie	51 00	259	Samuel Van Osdel	51 00
181	Thomas Fate	51 00	260	J. Arend	51 00
182	T. C. Watson	51 00	261	Charles Young	51 00
183	Henry Lowe	51 00	262	John Young	51 00
184	Carl Kingsley	51 00	263	Franklin Wixson	379 75
185	Ole Kittleson, sr	51 00	264	H. D. Booge & Co	2,978 00
186	A. Annerson	51 00	265	Jonathan Brown	88 50
187	Mons Oleson	51 00	266	Charles Noland	5 00
188	Ole Oleson	51 00	267	William Bordeno	162 00
189	H. Mattison	51 00	268	John R. Wood	175 00
190	Targe Mitchelson	51 00	269	White & Rouse	20 00
191	Ole Thompson	51 00	270	H. D. Booge & Co	30 00
192	Halve Nelson	51 00	271	William Tripp	174 00
193	Thomas Oleson	51 00	272	Picotte & Armstrong	200 00
194	A. R. Phillips	51 00	273	E. B. Wixson	425 00
195	William Anderson	51 00	274	Seigfred Loeber	75 00
196	Methias Larson	51 00	275	D. T. Bramble	125 00
197	T. Andrews	51 00	276	George W. Pratt	4 80
198	E. Christenson	51 00	277	John C. McBride	18 85
199	Peter Peterson	51 00	278	M. M. Rich	95 00
200	J. O. Taylor	51 00	279	John Pinceney	46 00
201	Lewis Johnson	51 00	280	William Bordeno	20 00
202	Thomas J. Watson	51 00	281	Enos Stutsman	100 00
203	James Fate	51 00	282	George N. Propper	7 50
204	Hans Christian	51 00	283	J. Whitcomb	3 65
205	James Oleson	51 00	284	Henry Arend	30 25
206	Benjamin Andrews	51 00	285	Henry C. Ash	100 00
207	Andrew Tervis	51 00	286	George W. Kingsbury	31 00
208	Albert Gore	51 00	287	H. Townsend	42 00
209	W. E. Bonney	51 00	288	George N. Propper	31 50
210	Russell Phillips	51 00	289	William N. Collamer	9 00
211	Rufus Mead	51 00	290	Mahlon Gore	12 50
212	Daniel Gifford	261 00	291	M. U. Hoyt	43 25
213	S. G. Irish	221 00	292	Henry Arend	18 00
214	N. McDonalds	211 00	293	William E. Hamer	63 00
215	John H. Shober	65 00	294	H. B. Houghton	27 00
216	M. Metcalf	59 00	295	Hotchkiss & Whitcomb	100 00
217	L. Gates	59 00	296	Paul Pacquite	36 80
218	W. W. Warford	53 00	297	John W. Boyle	3 00
219	Morris Metcalf	53 00	298	Lewis Larson	30 00
220	R. M. Johnson	51 00	299	Miles Russell	49 00
221	D. C. Gross	51 00	300	Jacob Duel	40 00
222	Hugh Fraley	51 00	301	Ole Kittleson	59 00
223	Benton Fraley	51 00	302	Steven Horton	66 00
224	William Hammond	51 00	303	Thomas Fate	51 00
225	Charles Cooper	51 00	304	Theodore Oleson	47 00
226	John Bradford	51 00	305	Ole Halverson	49 00
227	George L. Tackett	51 00	306	S. M. Crooks	8 00
228	Daniel McDonald	51 00	307	Thomas C. Watson	4 00
229	George Rounds	51 00	308	Henry Lowe	4 00
230	George Moxsheson	51 00	309	Carl Kingsley	4 00
231	Samuel Hardy	51 00	310	Andrew Anderson	4 00
232	E. W. Gifford	51 00	311	Mons Oleson	4 00
233	Cyrel Gifford	51 00	312	Ole Oleson	4 00

Statement of warrants issued for the military expenses, &c.—Continued.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
313	Helge Mattison	$4 00	326	Peter Le March	$45 00
314	Targe Mitchelson	4 00	327	James Maloney	432 43
315	Hans Oleson	4 00	328	R. M. Hagaman	1,192 00
316	Ole Thompson	4 00	329	A. G. Fuller	71 39
317	Halver Nelson	4 00	330	A. G. Fuller	872 00
318	Thomas Oleson	4 00	331	A. G. Fuller	1,816 00
319	William Anderson	4 00	332	Enos Stutsman	100 00
320	Matthew Larson	4 00	333	R. M. Hagaman	100 00
321	Erick Christenson	4 00	334	George W. Kingsbury	25 00
322	Peter Peterson	4 00	335	H. D. Booge & Co	320 00
323	Lewis Johnson	4 00	336	Charles P. Booge	1,276 00
324	Hans Christian	4 00			
325	A. J. Bell	18 00		Grand total	28,137 17

This expense was necessarily incurred in defending the lives and property of our citizens from the numerous bands of hostile Indians which infested our Territory during the fall of 1862, before adequate protection was afforded by the Government. I would, therefore, recommend that you memorialize Congress for an appropriation of twenty-eight thousand one hundred and thirty-seven dollars and seventeen cents, to refund to the Territory the amount expended for the defense of the frontier of Dakota, which was also affording protection to Northern Nebraska, Northwest Iowa, and Western Minnesota.

All of which is respectfully submitted.

JUSTUS TOWNSEND, *Auditor.*

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 10.

BRIDGE OVER THE MISSISSIPPI RIVER AT LA CROSSE.

[To accompany bill H. R. 3099.]

PETITION

OF THE

MILWAUKEE AND SAINT PAUL RAILWAY COMPANY,

FOR

Permission to bridge the Mississippi River at La Crosse.

DECEMBER 9, 1872.—Referred to the Committee on Commerce and ordered to be printed.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the Milwaukee and Saint Paul Railway Company, a corporation incorporated by the State of Wisconsin, and having various rights and franchises in the States of Illinois, Iowa, and Minnesota, respectfully shows to your honorable bodies—

That they are engaged in the business of transporting persons and property to and from Chicago and Saint Paul, via Milwaukee, and across the Mississippi River at or near to La Crosse, and in such business are the servants of the public in carrying their persons and property, and in moving their crops and produce, and carrying to the country far beyond La Crosse supplies and necessaries of all kinds.

That Congress, desiring to facilitate the movements of persons and property by the agency of this company, by the eighth section of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872, authorized the petitioners, the Milwaukee and Saint Paul Railway Company, to construct and maintain a bridge across the Mississippi River, at such a point as they (the Milwaukee and Saint Paul Railway Company) might select between the county of La Crosse, in the State of Wisconsin, and the county of Houston, in the State of Minnesota, qualifying the said authority by the fifth section of the same act, by requiring that said bridge should be built and located under and subject to such regulations for *security of navigation* of said river as the Secretary of War shall prescribe, &c.

That the said railway company own and operate a railroad upon each side of the Mississippi River; that is to say, extending from the west

line of the State of Wisconsin, on the river at North La Crosse, to Chicago, a distance of about 280 miles, and on the west side of the river, extending from a point opposite the terminus on the east side, in and from La Crescent to Saint Paul, a distance of 130 miles.

That so owning and operating said railroad as above described, they, pursuant to said eighth section, fixed the location of their bridge between said terminal points, and made large expenditures by the purchase of the right of way and lands at said point, and then applied to the Secretary of War to approve said location, and to establish such regulations for the security of navigation as were meet and proper. But that the Secretary, instead of approving said location and establishing proper regulations for the security of navigation, fixed upon and approved another location for said bridge at a point about two miles below the desired location, and at the foot of Mount Vernon street in La Crosse, at a point where no person or party who are authorized to build a bridge across the Mississippi River proposes or intends to build a bridge.

Your petitioners say that they, who are the only parties proposing to build a bridge at or near La Crosse, cannot do so at the point fixed upon by the Secretary, for the reason that it will increase the first cost of a bridge across the Mississippi River at least $200,000. It will lengthen their line of railroad between two and three miles, and will require a sharp curve upon each side of the river, (which will not be required if built at the terminal points of said railroad,) which additional length of road and curves will require additional outlay, for repairs and renewals, of at least $16,000 per annum.

Your petitioners say the additional cost to be incurred is wholly unnecessary, and that they do not believe that Congress intended to so "regulate commerce between the States" as to place such an additional burden upon the people and products of that portion of the country. At the present price of wheat it represents about 26,000 bushels of wheat that the farmers of Minnesota will be required to contribute annually to pay for said lengthened railroad, as proposed by the Secretary.

The petitioners are desirous of avoiding the necessity of the imposition of that burden upon the farmers of Minnesota and the great Northwest. Your petitioners aver that a bridge where they desire the same between the terminal points of their railroad in each State, is entirely feasible, and that it will not, at that place, impair or interfere seriously with the navigation of the Mississippi River.

Your petitioners therefore pray your honorable body to take the matter into consideration, and upon finding the allegations herein contained to be true, to thereupon so "regulate commerce between the States" as to authorize your petitioners to build and maintain a railway-bridge for railway traffic across the Mississippi River, between the terminal points of their railroad in North La Crosse, in the State of Wisconsin, and in La Crescent, in the State of Minnesota, under such regulations and restrictions as will prevent them from seriously interfering with or impairing the navigation of the Mississippi River at that point.

And your petitioners, as in duty bound, will ever pray.

THE MILWAUKEE AND SAINT PAUL RAILWAY COMPANY,
By RUSSELL SAGE,
Vice-President.

DECEMBER 5, 1872.

O

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 11.

CARL EPPING, C. B. PHILLIPS.

DECEMBER 11, 1872.—Ordered to be printed.

Mr. CHARLES FOSTER asked and obtained leave to print the following

REPORT:

The Committee of Claims, to whom was referred the petition of Carl Epping and C. B. Phillips, asking compensation for property alleged to have been seized for the use of the Army of the United States during the late war, having carefully examined the same, ask leave to report:

That the evidence before the committee utterly fails to establish either a legal or equitable claim against the United States; and that, even if this were not the case, sufficient evidence of fraud has been presented to the committee, not only in regard to the claim itself, but of improper and corrupt influences resorted to in pressing the claim and endeavoring to obtain its passage by the committee, to warrant its rejection.

On account of these facts your committee report the petition back to the House with the recommendation that the same do lie upon the table.

O

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC No. 12.

SECOND GENERAL REPORT OF THE COMMISSIONERS OF CLAIMS.

LETTER

FROM THE

PRESIDENT OF THE COMMISSIONERS OF CLAIMS,

TRANSMITTING

The second general report of the commissioners of claims.

DECEMBER 10, 1872.—Referred to the Committee of Claims and ordered to be printed

OFFICE OF THE COMMISSIONERS OF CLAIMS,
Washington, D. C., December 9, 1872.

SIR: I have the honor to send you herewith the second general report of the commissioners of claims.

I am, with much respect, your obedient servant,

A. O. ALDIS,
President of the Commissioners of Claims.

The Honorable the SPEAKER
of the House of Representatives.

WASHINGTON, D. C., *December* 6, 1872.

SIR: The commissioners of claims herewith respectfully present their second general report.

Our views as to the jurisdiction conferred by the act establishing this commission, as to loyalty, and the proof of it; as to the meaning of the terms "stores and supplies;" as to the rules and regulations for taking evidence, and as to the nature of the claims which we could and could not allow, were so fully set forth in our first general report, made December 11, 1871, that we do not deem it necessary here to repeat them. A few new questions have arisen to which we shall refer; and on some points, where our views do not seem to have been regarded by claimants, and further elucidation seems desirable, we may make some further suggestions.

I.—NUMBER AND AMOUNT OF CLAIMS.

By referring to our first general report, made December 11, 1871, it

will be seen that the number of claims presented for allowance, up to the end of November, 1871, was 10,099
The number presented since, up to the end of November, 1872, is 7,601

Whole number presented 17,700

The monthly receipts of claims during the past year have been as follows:

December, 1871	693	August	694
January, 1872	665	September	649
February	507	October	563
March	741	November	413
April	858		
May	742	Total	7,601
June	536		
July	540		

The amount of claims presented, up to the end of November, 1871, was $26,509,123 91
The amount of claims presented since, to the end of November, 1872, is 18,494,980 57

Total amount of claims presented 45,004,104 48

With our first general report we presented to Congress special reports in 580 cases, which we had examined and decided.

We herewith transmit to Congress special reports in 2,209 cases, which we have examined and decided during the past year.

Whole number reported to Congress, 2,789.

Of the claims herewith reported there are from—

Alabama	345	South Carolina	41
Arkansas	184	Tennessee	397
Florida	3	Texas	8
Georgia	174	Virginia	545
Louisiana	27		
Mississippi	213	Total	2,209
North Carolina	272		

Of these cases we have allowed, in whole or in part, 1,061; we have wholly rejected 1,148.

Of those allowed, 122 were the claims of persons who had served as soldiers in the Union Army, or had been otherwise employed in the military service of the United States. A still greater number is of persons who had sons in the Union Army.

Of those rejected—

There had been in the military service of the confederacy, or had furnished substitutes 227
Voted for secession, or taken oath of allegiance to the confederacy 154

Total 381

Of the 2,209 claims herewith reported—

The whole amount claimed is $3,850,141 05
The amount allowed is 806,699 31

The amount disallowed is 3,043,541 74

Our reports are accompanied with all the evidence and papers belonging to the reported cases.

Annexed to this report is a list of the cases decided during the year, with the number of the claim, name of the claimant, and the amounts claimed, allowed, and disallowed.

Besides the 2,209 cases which we have thus examined and decided during the year, and herewith report, we have examined about 700 more cases which, for various reasons, we have been obliged to suspend for further investigation; although, in many of them, reports have been drawn, and in all the chief part of the work has been done. Of this last class many appear so meritorious that we are not willing to reject them; and yet, from lack of proof, or other cause, require further investigation. It has been impossible for us, with only three agents, to fully investigate all the large cases already heard.

Many of the largest claims are in this list of suspended cases; the whole amounting to about $2,500,000. They have taken much time in hearing and examining the evidence. They ought not to be decided till our agents have thoroughly investigated them.

We regret that our agent has not been able to make a final report upon many important cases in Georgia, and especially upon the tobacco cases at Atlanta, to which we referred in our last report.

The time for presenting claims expires on the 3d of March, 1873. The number, by that time, will probably be about 19,000; and the probable amount about $50,000,000. This estimate is made upon the supposition that the claims will continue to be presented at the rate at which they are now coming in.

II.—JURISDICTION.

Since our last report a question has arisen as to the construction of the words used in the act of March 3, 1871, "The claims of those citizens who remained loyal adherents to the cause and Government of the United States during the war."

The original owner of the property, for which compensation is now asked, was loyal and living when it was taken. He has since died. If he were living *his* claim would be allowed. His heirs now present the claim. They were disloyal during the war. The act authorizes us to consider only "the claims of those citizens who remained loyal adherents to the cause and Government of the United States during the war."

We construe the act to mean that the claimants who present the claim before us, that is, the heirs, must prove their loyalty—that it is not enough that the ancestor was loyal.

When the claim is presented by one who is a mere representative of others, and who has no beneficial interest, such as an executor or an administrator, we do not require him to prove his loyalty, but he must prove the loyalty of those he represents—that is, the legatees or heirs.

When it appears that the heirs are the real owners of the claim, and that some or all of them were disloyal during the war, we reject so much as would go to the disloyal and allow what should go to the loyal ones.

III.

The act of Congress of May 11, 1872, authorized us to employ three agents to investigate claims. We immediately appointed three agents, and directed them, in the first instance, to proceed to Virginia, where

the number and urgency of the claims seemed especially to require their employment. Since then they have also been to Tennessee, Georgia, and Alabama. We have been urgently requested to send them to other States to speed the examination of claims there. As yet we have not been able to comply with these requests, but recently have sent one to Mississippi.

The employment of these agents has, so far, proved very useful. We have directed them to inquire and report alike, whether claims are just or unjust, and whether the claimants were loyal or disloyal, and to inquire as to *all* claims, so far as time, expense, and opportunity make investigation reasonable. Their attention is, of course, more especially directed to the large and doubtful cases, and they cannot reasonably be expected to investigate the multitude of little claims.

Now that we can examine cases through these agents, whenever we have reason to doubt as to their allowance we have authorized the special commissioners to take depositions in all cases, not exceeding $5,000.

We have directed the agents to examine all claims between $5,000 and $10,000; to correspond with the special commissioners to whom such cases are assigned, and with the claimants as to the time and place of taking the evidence; and to be present and cross-examine the witnesses whenever they think it expedient, or to advise the special commissioner as to questions which he should put on behalf of the Government.

In investigating claims we have directed them to pursue the course which the agents of the Departments have been accustomed to pursue; to inquire in the vicinity of the claimants, of respectable and credible witnesses, and ascertain the truth as to the loyalty of the claimant and the justice and validity of the claim, and to report to us the evidence, the names of witnesses, and all facts that may throw light upon the case. We do not require them to take the depositions of witnesses, or to confine themselves to strict legal evidence; but as this commission allows the same latitude of inquiry in its oral hearings that the committees of the Senate and House allow, and admit any evidence that they think will reasonably aid their inquiries, we require these agents to do the same.

In all cases the claimants are allowed to see the reports of the agents filed in the case, and, if they wish, to rebut the evidence contained in them.

IV.—LOYALTY, AND THE PROOF OF IT.

In our first general report we stated very fully our views as to "loyalty, and the proof of it." Some further suggestions on this topic may not be amiss.

Loyalty is a fact to be proved. Claims are not unfrequently disallowed, not because there is positive proof of disloyalty, but because the proof of loyalty is not satisfactory. Where the evidence leads us to think that the party may have been really loyal, and that the want of proof can be supplied, we suspend the case for further inquiry.

We find, by experience, that to form a correct opinion as to whether a claimant was or was not loyal during the war, we cannot safely rely upon the mere *opinion* of witnesses as to his loyalty, and upon statements, at this late day, of alleged conversations. We must rather look to his surroundings, to the vicinity where he lived, the pressure that bore upon him, the opportunity he had to show his loyalty by aiding the Union cause; his acts and his omissions to act; whether he was threatened, molested, or injured in person, family, or property; whether

he rendered any aid to the confederate cause; whether he had sons in the confederate service; in short, to all the circumstances of the case. It is not difficult for a claimant to select witnesses from his acquaintances who will testify in general terms: "I knew the claimant; he was a Union man; I so regarded him. I think he was so regarded by his Union neighbors. I have often heard him express Union sentiments. He was bitterly opposed to secession." These are common phrases, and constantly repeated.

How little such testimony is worth appears from the fact that such or similar phrases are constantly used in support of the loyalty of the claimants, who have served, sometimes, for three years in the rebel army, or who are otherwise clearly shown to be disloyal. We deem such evidence much weaker than the proof derived from surrounding circumstances.

We have been led by our experience in examining the proofs in these cases to another opinion, not fully appreciated by us at first. It is this: That the proof to excuse disloyal acts, such as voting for secession, holding civil office under the confederacy, furnishing a substitute, &c., is rarely of actual force, or of danger from the action of the constituted authorities. These existed, and are sometimes proved. But the real imminent danger of injury was from another quarter. There was in certain districts so much of terrorism and intimidation that loyal men felt a constant and oppressive apprehension of lawless violence. There was real danger to life, family, and property from the lawless violence of individuals and from the fury of the mob. To escape these perils, men who were at heart true friends of the Union felt compelled to appear friendly to the confederate cause and to do disloyal acts. Where such facts are satisfactorily proved, and *the whole tenor of the claimant's conduct before and after* shows him to have been really loyal, where, perhaps, the sufferings and losses he was afterward subjected to by the rebels show that they regarded him as an enemy, we think it our duty to regard the disloyal act as springing from duress, and find the claimant loyal. In weighing such evidence we do not forget that many pretend to have acted under duress where none existed.

V.—STORES AND SUPPLIES.

In our first general report we stated that *all* stores and supplies for the use of the Army might be included in the claims presented to us for allowance. Since then the act of May 11, 1872, has extended our jurisdiction to stores and supplies taken for the use of the Navy.

We also stated that rent, damage and destruction of property, losses by lawless depredation, property taken by soldiers without authority or real necessity, and articles of luxury, wines, liquors, tobacco, and cotton, (unless used in hospitals,) were not included in the term "stores and supplies" for the use of the Army, and would not be allowed. We regret to see that such items still continue to be embraced in claims, and that the sum total of the claims is thereby increased to a great amount.

VI.—VALUE OF PROPERTY; PRICES; THE PROOF OF TAKING; DEPREDATIONS.

In our first report we said:

In estimating the value of property we have been guided not only by the evidence on behalf of the particular claimant, but by the knowledge of prices which we obtain in examining the numerous cases before us, and by the tables of prices furnished by the Commissary and Quartermaster's Departments. The report of the Commissary-General, showing the prices paid by the Department for all the leading articles of sub-

sistence for each month during the war at all the principal markets of the Union, has been of great service. By adding to the price at the nearest market the cost of transportation to the place where the claim accrued, we get a fair measure of the value of the property claimed.

Similar tables of prices have been furnished by the Quartermaster-General. They have been of much use in reducing the inflated and exaggerated estimates which claimants generally put upon their property.

We deem it proper to add, in reference to the report of the Commissary-General above referred to, that it was made not long after the close of the war, with great care, for the use of the Government, from bills, vouchers, and *data* of actual purchases made by the Government during each month of the war, was published with the report of the Commissary-General, and may be regarded as the highest authority for the price of commissary supplies during the war.

So the prices from the Quartermaster-General stand upon similar *data*, and are equally reliable. We refer to these authorities (which differ so widely from the prices set forth in the petitions of claimants) because claimants and their counsel sometimes seem to think that the evidence they present in each particular case should be the rule of the case.

We not only find the prices claimed in the petitions are generally greatly exaggerated, but that sometimes both prices and amounts increase with the lapse of time. Some claims presented to the Departments soon after the close of the war now appear before us much increased in amount and price.

Horses and mules appear to be of very uncertain value, ranging in the claims from $50 to $6,000. We allow for them as animals of average value, for army use, according to the quartermaster's prices at the time, unless the evidence clearly shows a higher value. There was no kind of property so much the object of theft and depredation, so frequently and so lawlessly taken for private gain, under the pretense of army use, as horses and mules.

PROOF OF TAKING.

Claimants seem to think that if soldiers took property, pretending to have authority, and promising it should be paid for, that the Government is thereby bound to pay for it. But such pretenses were frequently used by the lawless, and for private gain, as well as by those really having authority. Such artifices must not be allowed to prevail. We must look beyond them, *at all the circumstances connected with the taking*, in order to discriminate between lawful taking and lawless depredation. The Government is not bound to pay for theft or pillage. Hence it is not enough for witnesses to say "The property was taken by soldiers." All the facts connected with the taking should be stated, and, if possible, in the natural order of narrative.

If not so narrated, questions should be put as to the number of the soldiers, whether only one or two, whether officers were with them, and ordered or knew of the taking, the hour of the day, the distance from the main body, or the camp; what, and all that was said and done; whether threats of violence were used; whether there was other property taken, and especially household articles or valuables; whether application was made for the restoration of the property to officers, and what was said and done in reply, and all the attending circumstances.

Our instructions to the special commissioners are positive that the questions on all these points must be put and answers insisted upon. It is their duty to enforce these directions, to have them obeyed, or the refusal noted in the body of the depositions. If claimants or their

counsel allow witnesses to omit answering, or to evade the questions, the result must be that the claim is not proved, or is seriously discredited.

VII.—AS TO QUANTITIES TAKEN.

Where a receipt or voucher was given at the time, we follow it, and have no difficulty in ascertaining the quantity taken. But where the testimony depends on the testimony of witnesses testifying eight or ten years after the property was taken, the quantity becomes uncertain. Witnesses rarely furnish any certain *data*. Their attention was not called, at the time, to the amount taken. They swear in round numbers, or to the "property claimed in the petition," but rarely show any means of knowledge. In perhaps a majority of cases, proof of the amount depends on the evidence of the claimant, or his wife or minor children, or of some colored dependant once his slave. When we reflect upon the lapse of time since the claims accrued, and the facilities with which the memories of such interested or easily influenced witnesses may be manufactured, it is obvious that we must receive such evidence with caution.

Still, in most of these cases, there was some property taken, and it would be unjust to wholly reject the claim. No other evidence than such as the claimant offers can usually be had; and that is subject to the serious objections above alluded to. Hence, in such cases it is extremely difficult to make any satisfactory decision.

VIII.—REBEL ARCHIVES.

The rebel archives in the possession of the Secretary of the Treasury and of the Secretary of War have been most obligingly opened for our use. They contain written contemporary evidence of the position of thousands of persons in the service of, or having dealings with, the confederacy. They are thus evidence of the highest value. Already they have furnished proof for the rejection of claims to a large amount. The knowledge that such papers are in the hands of the Government doubtless deters others from being presented.

The Secretary of the Treasury has occasionally, when it was needful and convenient, allowed us the aid of agents in investigating claims.

The Secretary of War has also, when the duties of the service would permit, very kindly directed officers of the Army to examine claims in the vicinity where they were stationed. This has been of great utility. In one case satisfactory proof was obtained for the rejection of a claim of about $100,000.

IX.—OF THE UNFINISHED WORK.

As this commission, by the limitation of the act of Congress which created it, will expire in March next, we deem it our duty to report upon the amount of unfinished work before it, and the time required to finish it.

The whole number of claims presented for allowance by March 3, 1873, will probably be about 19,000.

We reported at the last sesion of Congress 580 cases; herewith we send reports in 2,209 cases. We have examined about 700 other cases, which we have suspended for further investigation, but in which the work is chiefly done. By the 3d of March next we shall probably have examined and disposed of at least 500 more. There will remain, therefore, on the 3d March next, about 15,000 cases to be examined and decided.

Perplexing questions having been settled, the labors of the commission systematized, and all employed having become familiar with their duties, and having acquired facility in the dispatch of business, it is reasonable to conclude that the work will hereafter progress with more rapidity. From the rate of progress now being made, we think the remaining work can be finished in four years. When it is considered that the evidence in all cases over $10,000 must be taken orally before the commissioners, or some one of them, and that the depositions taken by the special commissioners are in some cases quite voluminous, and require long and laborious examination, it is plain that it will require diligence and industry to do the work in that time.

ASA OWEN ALDIS,
J. B. HOWELL,
ORANGE FERRISS,
Commissioners of Claims.

The Honorable the SPEAKER
Of the House of Representatives.

SCHEDULE OF CLAIMS REPORTED.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA.			
9095	Abbott, Hiel	$220 50	$178 00	$42 50
2274	Adare, John B	170 00	120 00	50 00
2164	Addison, Marion A	125 00	100 00	25 00
193	Alexander, William R	13,443 40	.....	13,443 40
5406	Allington, Thomas T	2,992 00	1,720 00	1,272 00
2337	Alvis, Elizabeth	95 00	75 00	20 00
5251	Ashcraft, Thomas	140 00	125 00	15 00
6011	Ashford, Harriet	225 00	175 00	50 00
7196	Ashley, Robison	496 90	315 90	181 00
6788	Atkins, Madison	907 15	.....	907 15
1346	Austin, William A	4,438 00	.....	4,438 00
6085	Bagwell, Wiley G	145 00	125 00	20 00
7198	Bagwell, Littleberry	640 00	.....	640 00
6676	Bain, Richard C	522 90	.....	522 90
6086	Baker, James	180 00	170 00	10 00
5805	Baker, Alvin R	1,398 00	.....	1,398 00
3536	Barriere, Maria	1,230 00	.....	1,230 00
5254	Barton, John M	678 00	410 00	268 00
5256	Barton, Hiram, 2d	164 00	.....	164 00
5257	Barton, Hiram, 3d	430 00	365 00	65 00
5258	Barton, Hiram, sr	1,079 00	837 00	242 00
5259	Barton, Nathaniel, sr	628 00	478 00	150 00
2165	Barton, Gifford M	543 75	244 75	299 00
2166	Barton, James A	308 75	193 75	115 00
2168	Barton, Willis	262 25	91 00	171 22
8342	Bates, Levi	81 00	81 00	.....
7963	Bates, Martha A	195 00	120 00	75 00
1366	Battle, John W	200 00	125 00	75 00
1753	Beckwith, Lewis	343 50	170 00	173 50
6249	Bishop, John H	1,184 00	.....	1,184 00
2648	Bishop, Sampson	287 50	277 50	10 00
2338	Blackwell, John P; Blackwell, Margaret M	249 00	.....	249 00
6635	Blackwell, Davidson	454 00	200 00	254 00
5187	Blackwell, James M	809 50	593 00	216 50
6481	Bolt, Berry	150 00	.....	150 00
6396	Borden, Nancy	221 00	221 00	.....
1438	Boshell, John	225 00	150 00	75 00
6088	Boshell, Mack M	512 50	340 00	172 50
9098	Boyd, Dr. T	175 00	150 00	25 00
5252	Brake, John	535 00	.....	535 00
6013	Braselton, Elizabeth A	150 00	100 00	50 00
5188	Broach, William T	163 00	.....	163 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA—Continued.			
2221	Brocker, Ernest C	$2,536 30		$2,536 30
4342	Brooks, Rose C	640 00		640 00
3185	Brown, Lovey	590 00		590 00
4809	Brown, Martha	58 00	$52 00	6 00
3960	Brumley, administrator of Joseph	499 00		499 00
1459	Brunston, Isaac	551 25	410 00	141 25
2339	Bryan, Wallis M	385 00		385 00
5864	Burnett, Lemuel	315 00	265 00	50 00
4810	Burrow, George W	565 00		565 00
987	Butler, Darius H	357 50	240 00	117 50
2661	Butler, Henry W	250 00	250 00	
2172	Cagle, Loyd H	412 50	260 00	152 50
7207	Cahoon, Lucy A	180 00		180 00
6258	Callan, James A	2,999 00		2,999 00
3861	Carter, J. H	1,934 50		1,934 50
5337	Chandler, Nicholas	325 00		255 00
7203	Chandler, Milton	271 50	182 00	89 50
7205	Chapman, Sarah	356 00		356 00
9100	Childers, Nelly	488 40		488 40
2341	Clark, Mary A	500 00		500 00
6017	Clements, adminstrator of Gabriel	300 00	250 00	50 00
5809	Coleman, Stephen	563 00	320 00	243 00
1653	Coley, William	252 00		252 00
6015	Collins, David A	520 00	360 00	160 00
6773	Comer, Nancy C	768 05		768 05
401	Commons, Joseph	850 00		850 00
7966	Cosby, W. J	805 00		805 00
3540	Cowan, Malinda	835 00	437 00	398 00
1729	Creamer, George W	11,462 35	2,070 00	9,392 35
4048	Cross, Wiley	125 00	100 00	25 00
4049	Cross, Mary A	250 00	250 00	
4050	Cross, Melinda	425 00	100 00	325 00
3532	Cross, Sandifer	261 00	200 00	61 00
5191	Danforth, William	1,716 00	987 00	729 00
1752	Danley, William	654 00	325 00	329 00
5192	David, Dempsey	423 00	97 50	325 50
2342	Davis, William L	137 50		137 50
5619	De Arman, John A De Arman, Newton B	2,125 00		2,125 00
5620	Derrick, Sarah	360 00		360 00
5621	Derrick, David	107 00		107 00
5622	Dillworth, Nancy	515 00		515 00
2173	Dodd, William, sr	320 00	293 00	27 00
7382	Dorsey, James R	5,130 33		5,130 33
9101	Dunlavy, Braxton	149 00	143 00	6 00
2393	Durando, Edward P	1,909 00		1,909 00
3186	Dutton, James	651 50		651 50
3543	Edwards, Sarah	2,938 00	1,224 00	1,714 00
1344	Edwards, David and N. A. Johnson	591 90	591 90	
6091	Ellis, James	410 50	109 50	301 00
2017	Farmer, William H	250 00	175 00	75 00
2062	Faught, J. J	250 00	200 00	50 00
2063	Faught, Nancy	686 00	406 00	280 00
6024	Faught, Sarah E	128 50	128 50	
5261	Filkins, John M	156 00		156 00
4818	Finley, James	665 00	251 00	414 00
8252	Freeman, Benjamin F	325 00	250 00	75 00
6636	Frost, Edward	150 00	150 00	
2174	Fry, Thomas W	300 00	215 00	85 00
6493	Garland, E. C	2,560 00	1,510 00	1,050 00
3365	Gaston, administrator of James	330 00		330 00
3355	Gilbert, Elizabeth	225 00	225 00	
6025	Goin, Susan	200 00	150 00	50 00
4348	Goodloe, John C	27,218 00	7,446 00	19,772 00
2653	Goodloe, King	353 00	219 00	134 00
5197	Graham, Malcolm G	315 00	85 00	230 00
8253	Gray, Lucy Ann	1,351 00		1,351 00
5869	Green, Jasper N	133 00	113 00	20 00
5866	Green, administrator of Elijah C	175 00	147 50	27 50
5193	Gresham, Jared	638 65	363 00	275 65
3963	Gullatt, William	1,657 50		1,657 50
2175	Guthrie, Edwin	260 00	120 00	140 00
3130	Guttery, William	210 00		210 00
6094	Guttery, Isham	208 75	163 75	45 00
1654	Hackworth, Newton	2,360 50		2,360 50
4350	Haden, John T	2,994 95		2,994 95
3135	Haden, Horatio H	600 00	350 00	250 00
2227	Hanes, Hiram	540 00	345 00	195 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed
	ALABAMA—Continued.			
5410	Hall, Lewis F	$210 00	$175 00	$35 00
3134	Hambrick, Frances D	230 00		230 00
9210	Harbin, Thomas M	281 00		281 00
3250	Hardman, John B	4,271 25		4,271 25
1747	Harper, administrator of Benjamin	1,357 50	475 00	882 50
4824	Harrison, Lewanzey	936 00	707 00	229 00
2657	Harrison, Percy L	2,850 00	1,470 00	1,380 00
	Haynes, Stephen. (See Ogden, John)			
14	Heflin, Robert S	545 00	465 00	80 00
1351	Helton, Dr. P. H	1,267 50	837 50	430 00
7219	Hendricks, Laurette	270 00	172 50	97 50
3987	Herndon, Horace	302 00	139 50	162 50
6026	Hewitt, Isaac	550 00		550 00
6497	Hill, Orin	1,743 00	790 00	953 00
7799	Hill, Isabella B	150 00		150 00
5607	Holt, George W	676 50	471 50	295 00
5626	Hughes, administrator of A. C	932 00		932 00
6027	Hundley, John H	2,543 00		2,543 00
5867	Huston, Andrew J	860 75		860 75
2179	Ingle, Paul	482 50	320 00	162 50
2178	Ingle, Andrew J	448 00		448 00
1369	Irvin, William B	9,123 00	3,658 00	5,465 00
5422	Isom, Sylvester B	473 00	352 00	121 00
7104	Isom, John C	375 00	195 00	180 00
5266	Jetton, Ephriam	244 50	194 50	50 00
8255	Johns, Square A	242 00	237 00	5 00
7220	Johnson, Parks J	783 50	500 00	283 50
5338	Johnson, Edwin	881 75		881 75
1344	Johnson, N. A. (See Edwards, David)			
3359	Johnston, Eveline	141 75		141 75
7971	Jolley, Benjamin	600 00	480 00	120 00
7972	Jones, James A	247 50	187 50	60 00
6029	Jones, Alfred A	450 00	260 00	250 00
7609	Jordan, Solomon E	329 00		329 00
2673	Kachelman, John	2,992 00		2,992 00
2750	Kahelman, Harris	425 00	225 00	200 00
2655	Keller, Henry	150 00	120 00	30 00
3139	Kennamer, David, jr	316 50	316 50	
6031	Kennemer, Sophia M	641 50	438 00	203 50
3161	Kennamer, Demarius	200 00	200 00	
4352	Kerr, William S	1,485 00		1,485 00
6012	Kitchens, executor of James M	260 00		260 00
3189	Kilgore, William	300 00	215 00	85 00
146	King, Low	865 50		865 50
986	Kirk, William L	1,225 00		1,225 00
2067	Knott, Franklin S	150 00		150 00
2391	Lamberson, Leonard F	1,004 00	652 00	352 00
615	Landers, Allen B	200 00		200 00
6827	Landerdale, Robert	1,250 00		1,250 00
2402	Lawler, Benjamin F	2,460 16		2,460 16
2275	Lawler, John	1,997 50		1,997 50
2394	Lawler, Jehu	5,825 25		5,825 25
4309	Lawrence, George W	3,387 50	625 00	2,762 50
6109	Leeth, Napoleon B	1,767 50		1,767 50
4353	Legg, Daniel M	281 50	230 00	51 50
5412	Lentz, James H	185 00	150 00	35 00
7223	Lewis, Eliza	218 40	163 40	55 00
856	Lilly, Jesse	2,287 90		2,287 90
3967	Lindsey, William	1,000 00	645 00	355 00
2229	Lovett, Elizabeth	405 00	925 00	180 00
7107	Lunceford, Cullen H	196 00		196 00
4356	McBryde, William P	633 90		633 90
2495	McCafferty, Amanda M	1,117 50	440 00	677 50
2349	McCollum, William	225 00		225 00
6110	McConnell, Joseph J. N	2,969 50		2,969 50
2353	McCracken, David	347 00		347 00
2351	McDade, G. W	172 50		172 50
2352	McDade, James D	125 00		125 00
2385	McGee, Jacob	1,133 00	691 50	441 50
2748	McKelvey, John, jr	1,250 00		1,250 00
4835	Macklin, Reuben	126 50		126 50
4911	Marshall, Absalom	1,439 50	410 00	1,029 50
2072	Martin, John W	160 00		160 00
5743	Mason, administrator of E. W. S	2,855 00	930 00	1,925 00
2157	Massie, Elizabeth	1,465 00	570 00	895 00
990	Masterson, James N	205 00	130 00	75 00
3142	Matthews, Philip	820 00		820 00
5203	Meala, James A	1,645 00		1,645 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA—Continued.			
5818	Middleton, S. B	$771 50	$523 00	$248 50
6669	Miller, John L	267 00	.....	267 00
1761	Miligan, Martin	1,711 00	.....	1,711 00
5270	Minor, Mary A	182 00	.....	180 00
4052	Mitchell, Susan	1,886 00	1,207 50	678 50
7834	Mitchell, Thomas J	474 00	.....	474 00
5269	Morgan, Ezekiel	625 00	500 00	125 00
3145	Morgan, David	166 00	158 00	8 00
7110	Mullinax, Richard	232 00	132 00	100 00
6509	Myers, Abraham	130 00	100 00	30 00
4877	Nail, Emanuel	496 50	337 00	159 50
5821	Nelson, James	150 00	.....	150 00
5822	Nelson, Isaac S	202 00	140 00	62 00
5425	Newby, Sarah J	160 00	130 00	30 00
7236	Odell, Rebecca	1,789 50	.....	1,789 50
4357	Ogden, John, and Haynes, Stephen	770 00	620 00	150 00
2669	Oliver, Jane R	887 50	512 00	375 50
1980	O'Rear, Jerry	103 00	103 00	.....
3604	Pace, Joseph B	60 00	.....	60 00
4358	Patterson, Washington	521 50	340 00	181 50
3865	Payne, Armistead	1,504 25	.....	1,504 25
5415	Phillips, Absalom T	377 50	.....	377 50
5824	Phillips, Lucinda	853 00	.....	853 00
4652	Picard, J. J	875 00	.....	875 00
2396	Picard, H. J	2,190 00	550 00	1,640 00
8151	Pike, Joseph C	457 00	.....	457 00
6112	Pike, P. P	1,544 00	847 00	697 00
4912	Pinder, Peter	132 80	132 80	.....
2664	Pitt, Charles W	2,198 50	550 00	1,648 50
6037	Poe, Wyatt	200 00	140 00	60 00
4359	Pollard, Susan	440 00	245 00	195 00
7240	Price, Elizabeth	407 50	.....	407 50
7239	Pridgen, Josiah E	1,792 00	.....	1,792 00
1368	Pugh, Nathan N	598 00	256 00	342 00
4361	Ragsdale, Edward	941 00	628 00	313 00
4843	Reed, Robert C	1,150 00	.....	1,150 00
721	Rice, Henry C	425 00	.....	425 00
3192	Richardson, Job	343 50	237 00	106 50
3534	Ridley, Elisha	1,400 00	300 00	1,100 00
3155	Rikard, Nancy	229 50	184 00	45 50
6113	Rinehart, Enoch	2,353 50	991 00	1,362 50
4053	Roach, Perkins	217 00	172 00	45 00
4054	Roach, Dennis	1,150 00	300 00	850 00
5207	Roberts, Julia A	130 00	130 00	.....
2074	Roberts, Elizabeth M	170 00	140 00	30 00
2754	Robinson, John and son	2,674 00	1,272 00	1,402 00
4913	Rodenbaugh, Charles	1,610 33	.....	1,610 33
10542	Rolater, John	2,128 25	.....	2,128 25
8246	Rollins, Mary	1,102 50	.....	1,102 50
4842	Romine, James	253 00	253 00	.....
3972	Ross, William	460 00	325 00	135 00
857	Rosser, Walter	1,977 00	1,037 00	940 00
2388	Rountree, William	730 00	.....	750 00
5636	Rowan, Jordan	494 00	450 00	44 00
5339	Rush, Frederick	2,561 50	1,363 00	1,198 50
6039	Russell, Archibald H	139 00	.....	139 00
5638	Sanford, Allen	2,889 90	.....	2,889 90
3372	Sanford, John	748 00	.....	748 00
2075	Satterwhite, Sarah E	150 00	.....	150 00
2277	Scott, James G	1,565 00	300 00	1,265 60
2021	Scott, Silas H	890 00	.....	890 00
2392	Scrugga, Alfred	381 00	340 00	41 00
1881	Scruggs, Thomas J	924 00	.....	924 00
1754	Seal, John	250 00	175 00	75 00
7838	Shackelford, Daniel	150 00	100 00	50 00
7243	Shaw, R. W	195 00	.....	195 00
3616	Shelton, William F	278 00	.....	278 00
6516	Sherrod, Archie	340 25	160 00	180 25
6100	Shurley, Absalom	165 00	.....	165 00
2025	Sides, Andrew A	120 00	.....	120 00
4847	Sides, Jonathan	180 50	.....	180 50
2026	Sides, Susan	335 20	171 20	164 00
3988	Simmons, George	1,796 00	.....	1,796 00
6517	Simmons, William	811 00	529 00	282 00
3370	Simmons, William P	542 50	.....	542 50
6041	Simpson, Wyatt	425 00	330 00	95 00
3976	Smith, John W	927 00	370 00	557 00
4850	Smith, W. B	550 00	400 00	150 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA—Continued.			
2356	Smith, Edward B. R.	$150 00		$150 00
7249	Smith, Thomas J	410 00		410 00
7248	Smith, Rebecca S	250 00	$140 00	110 00
3193	Sparks, Elizabeth	466 00		466 00
4162	Sparks, administrator of Samuel	498 00	348 00	150 00
6515	Sparks, Thomas	150 00	120 00	30 00
2184	Sparne, Samuel D	347 50	297 90	49 60
3974	Speaks, Hansford	1,630 00	300 00	1,330 00
2043	Staggs, John, jr	160 00		160 00
6240	Starling, Wiley B	1,708 00		1,708 00
2652	Steele, Archibald J	4,264 00	2,794 00	1,470 00
3368	Stephenson, Robert S	1,423 50	745 00	678 50
5278	Stovall, Elizabeth	319 00		319 00
7250	Stricklin, James	423 50	208 00	215 50
985	Stutts, John R	1,805 00		1,805 00
2662	Sullivan, Charles	2,178 00	1,396 00	782 00
4055	Sullivan, John	2,653 00		2,653 00
5833	Sullivan, Mary A	2,976 50		2,976 50
3373	Sykes, Matilda	200 00		200 00
256	Tayloe, executor of Benjamin Ogle	8,750 00		8,750 00
6044	Taylor, administrator of James	675 00	528 00	147 00
1769	Taylor, John	100 00	100 00	
2401	Thomas, William C	2,838 41		2,838 41
3530	Thornton, William H	614 80		614 80
855	Thornton, Mary	1,468 00		1,468 00
5216	Thrasher, Elias	806 50	583 00	223 50
3158	Thrasher, Thomas	260 00	100 00	160 00
4202	Thrasher, William B. L	340 00	290 00	50 00
3981	Thrasher, Susan Y	245 00	110 00	135 00
6519	Tiara, Martha	595 00	360 00	235 00
4364	Trousdale, Sarah E	2,125 00		2,125 00
8351	Tubbs, Daniel	309 50	269 00	40 50
2235	Turner, Celia	168 00		168 00
6612	Turner, Prior	772 50	572 00	200 50
7256	Vandever Ambrose	290 00		290 00
7255	Vandever, John D	844 00		844 00
6522	Vineyard, James L	365 00		365 00
3548	Wall, Joshua C	1,770 50	632 00	1,138 50
4056	Wallace, Elizabeth	2,519 50		2,519 50
554	Ward, Anderson	905 00	548 00	357 00
4914	Warrington, William B Warrington, Sarah A	356 00		356 00
8153	Watt, William	116 00	116 00	
3907	Weaver, William W	905 00		905 00
6523	Webb, Nancy M	275 00	200 00	75 00
5929	Wells, Elizabeth	1,025 30	621 00	404 30
4855	West, George W	910 80	741 40	169 40
2186	West, William	368 00		368 00
5845	Whitfield, John	1,713 00		1,713 00
2646	Wilder, Mary J	80 00	80 00	
4857	Williams, Salina	168 00		168 00
1662	Williams, Jacob M	480 00		480 00
8352	Wilson, John H	141 00	130 00	11 00
2080	Wilson, W. W	150 00	150 00	
6395	Wilson, Sarah E	75 00	75 00	
5609	Wilson, John	137 50	85 09	52 50
2236	Wilson, James M	733 00	354 00	379 00
5641	Wilson, Maria	719 75		719 75
5281	Wilson, Lewis	155 00	155 00	
3375	Winchester, Willoughby	789 00	587 00	202 00
3984	Winston, administrator of W. O	2,861 50	2,346 50	515 00
2279	Wishard, Olive E	125 00		125 00
6524	Wood, Thomas J	644 50	305 00	615 00
2647	Woodall, Silas P	920 00	360 00	284 50
4365	Wooddey, Robert W	225 00		225 00
5840	Wortham, administrator of William	4,361 90		4,361 90
5282	Wright, Elias W	190 70		190 70
6048	Wright, administrator of Thomas A	1,114 75	893 25	221 50
7122	York, Andrew J	139 50	117 00	22 50
5644	York, Tapler T	472 00	312 00	160 00
4854	Young, John	320 00		320 00
	ARKANSAS.			
5743	Aday, Booz W	255 00	255 00	
4280	Allen, William	575 00		575 00
4462	Allen, William D	2,670 00		2,670 00
711	Anderson, Archy	400 00	250 00	150 00
4279	Armistead, Emanuel W	635 00	416 00	219 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
204	Ashley, Austin	$1,050 00	$725 00	$325 00
710	Austin, Henry	400 00	225 00	175 00
6605	Bailey, Wiley	2,212 00	730 00	1,482 00
4281	Baker, Peter K	891 00	.....	891 00
2876	Barnes, Claiborne	690 00	400 00	290 00
9596	Bedingfield, James M	600 00	.....	600 00
6269	Bell, administrator of J. M	2,156 00	430 00	1,726 00
4863	Berus, Henry C	190 00	160 00	30 00
8214	Bingham, Sarah Jane	3,583 00	.....	3,583 00
9597	Bonham, John	1,016 00	1,016 00	.....
9598	Bonham, Jesse	659 00	609 00	50 00
9602	Boyd, Willis	740 00	445 00	295 00
5745	Bradford, John	100 00	100 00	.....
315	Bradley, Martha W	750 00	500 00	250 00
901	Brewer, Mathias	140 00	84 00	56 00
3326	Brickey, David	733 00	633 00	100 00
11846	Britton, James M	1,460 00	849 00	611 00
5018	Butler, George B	1,130 00	825 00	305 00
9266	Buttram, Elijah H	1,905 00	860 00	1,045 00
4856	Bushong, Mary	425 00	300 00	125 00
9725	Calahan, Abram M	1,000 00	200 00	800 00
9605	Campbell, James M	625 00	300 00	325 00
9542	Campbell, Joseph M	2,917 50	1,195 00	1,722 50
9607	Cardwell, Hosea G	2,045 00	1,070 00	1,075 00
9608	Carrigan, P. M	90 50	90 50	.....
8831	Chastain, Edward B	310 00	240 00	70 00
11161	Clements, administrator of Samuel C	2,975 00	.....	2,975 00
9724	Coleman, Zill	890 00	110 00	780 00
9036	Condren, Alfred L	120 00	100 00	80 00
5127	Connelly, Charles W	76 00	58 00	18 00
815	Cook, administratrix of Jacob	558 50	318 00	240 50
4286	Cook, Daniel	300 00	300 00	.....
4922	Coomer, Andrew J	1,175 00	580 00	595 00
10145	Crosby, William M	550 00	.....	550 00
1298	Crowell, Charles	1,740 00	.....	1,740 00
4284	Case, administratrix of George	1,161 50	.....	1,161 50
9923	Darby, Jesse	125 00	75 00	50 00
2410	Dardenne, John	800 00	.....	800 00
4287	Davis, William	470 00	332 50	137 50
9025	Dickinson, Harriet	250 00	200 00	50 00
5578	Dodd, David	3,000 00	.....	3,000 00
10866	Drake, Margaret	1,692 50	1,340 00	352 50
698	Dreyer, Henry	1,875 00	925 00	950 00
1299	Echols, Ira M	630 00	300 00	330 00
10782	Egner, Joseph H	2,923 00	.....	2,923 00
5540	Enloe, Thomas E	165 00	110 00	55 00
5090	Eppler, Isaac T	4,685 00	.....	4,685 00
3178	Epps, James H	500 00	.....	500 00
4265	Evans, Hiram	2,950 00	.....	2,950 00
9032	Finton, William F	360 00	280 00	80 00
1477	Fisher, Jacob	2,083 75	630 50	1,453 25
1807 1808	Fitzgerald, Lucinda	606 75	326 75	280 00
2151	Fletcher, Richard	4,450 00	.....	4,450 00
2270	Fletcher, Richard	14,065 00	.....	14,065 00
4589	Ford, Moses	885 00	380 00	505 00
9615	Garrison, James C	400 00	350 00	50 00
6079	Gaery, Thomas	125 00	100 00	25 00
6580	Geyer, John C	450 00	230 00	220 00
6626	Gillispie, John	1,624 00	.....	1,624 00
5957	Glenn, William W	1,437 00	.....	1,437 00
10787	Gossett, Richard L	300 00	.....	300 00
8883	Graham, Alexander	1,252 00	569 50	682 50
11062	Gratton, Albert G	200 00	125 00	75 00
10785	Grier, Samuel	125 00	.....	125 00
5541	Hammond, Delila	1,275 00	1,120 00	155 00
9618	Hanna, Jeremiah C	580 00	305 00	275 00
11160	Harris, Richard	800 00	325 00	475 00
3396	Hawkins, Henry Z	150 00	.....	150 00
7624	Hays, Elias	350 00	300 00	50 00
6076	Henderson, Matthew	300 00	226 00	74 00
6582	Hensley, Jasper W	1,166 00	602 00	564 00
4290	Hess, Thomas M	485 00	.....	485 00
4117	Hill, John C	490 00	.....	490 00
8195	Hinds, Albert	450 00	300 00	150 00
8834	Hobbs, Solomon M	990 00	270 00	720 00
10847	Hodges, Roland E	125 00	100 00	25 00
3797	Hodges, William F	420 00	255 00	165 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
1170 1172	Holman, Stephen L	$2,000 00	$530 00	$1,470 00
4923	Holleman, Harmon L	3,205 50	540 00	2,665 50
9624	Hopkins, Lucretia	762 50	370 00	392 50
5126	Howard, Charles J	940 00	343 00	597 00
5091	Hughes, Andrew J	400 00	350 00	50 00
6581	Hughes, George W	2,007 00	.....	2,007 00
1291	Hunt, Charles	400 00	400 00	.....
9219	Hunt, William	768 00	518 00	250 00
1135	Hutcheson, William H	100 00	100 00	.....
7623	Jackson, Abram W	1,125 00	625 00	500 00
10646	Jago, William H	2,904 60	.....	2,904 60
4865	Johnson, C. C	250 00	.....	250 00
4292	Johnson, Henry	475 00	475 00	.....
4405	Johnson, Melinda	130 00	130 00	.....
9232	Jones, Riley	65 00	65 00	.....
10628	Jenkins, Jackson	410 00	300 00	110 00
9627	Karnes, William	685 00	430 00	255 00
4276	Keatts, Robert	875 00	620 00	255 00
4474	Keeler, George G	6,250 00	2,500 00	3,750 00
9300	Kellogg, Ralph	2,689 34	.....	2,689 34
6601	Keltner, William C	820 00	405 00	415 00
8920	Kibler, John B	485 00	465 00	20 00
4860	Kinman, Riley	1,590 00	.....	1,590 00
10790	Knowles, Wesley	630 00	335 00	295 00
6081	Lamb, Matilda	100 00	100 00	.....
6602	Lasiter, Bryan	185 00	.....	185 00
6603	Lasiter, Tabitha	218 00	.....	218 00
4924	Lemley, Moses C	570 00	355 00	215 00
4293	Little, Thomas	150 00	150 00	.....
1109	Lockhart, Samuel A	1,197 50	.....	1,197 50
1093	Lofton, Giles	125 00	125 00	.....
4746	McAlister, Sarah A. F	1,350 00	560 00	790 00
10780	McCord, Cristopher	150 00	125 00	25 00
9638	McCormick, Peter	843 50	.....	843 50
7657	McCullough, William	180 00	180 00	.....
9645	McGee, Mrs. Telith A	442 00	289 00	153 00
4267	McMurray, Hugh	149 00	104 00	45 00
10857	Martin, Abner	100 00	100 00	.....
10849	Martin, Gallatin	1,210 00	500 00	710 00
1325	Martin, Henry C	150 00	110 00	40 00
9533	Mason, Daniel B	2,111 00	1,315 00	796 00
9536	Mayes, John	252 50	142 50	110 00
6082	Maxey, Rabe	150 00	120 00	30 00
10793	Meadows, Elisha B	350 00	.....	350 00
9641	Meek, Jacob A	1,940 00	.....	1,940 00
4297	Merriweather, William D	625 00	.....	625 00
1327	Miller, Syrena M	150 00	100 00	50 00
8880	Monds, John C	125 00	.....	125 00
3039	Mooney, William	462 50	222 50	240 00
4298	Moore, John W	123 00	.....	123 00
10147	Moore, Hannah	200 00	200 00	.....
4867	Morris, Hiram	1,232 00	878 00	354 00
9523	Moulden, Mary J	100 00	100 00	.....
12068 12069 12070	Neely, Esther B., Mary E. J., Lizzie E	5,443 00	.....	5,443 00
10885	Newland, Nancy H	387 00	387 00	.....
9645	Nicum, Nancy	250 00	200 00	50 00
5273	Nolen, Green B	187 00	156 00	31 00
4406	Nordan, Betsy E	225 00	150 00	75 00
10239	O'Broyn, Arnold	5,112 50	1,335 00	3,777 50
5858	Outlaw, Harriet B	1,680 00	335 00	1,345 00
6078	Perkins, Richard P	2,014 00	.....	2,014 00
5742	Peters, Arrena	300 00	150 00	150 00
5750	Peters, A. J	125 00	75 00	50 00
10859	Phelan, Abijah F	1,700 00	1,000 00	700 00
5138	Phelps, administratrix of Calvin	1,790 00	660 00	1,130 00
5746	Pope, Nancy A	50 00	50 00	.....
1255	Redman, Aaron W	1,285 00	.....	1,285 00
1491	Reed, John	150 00	.....	150 00
10846	Reese, William W	281 00	106 00	175 00
9653	Rice, Absalom	1,085 00	665 00	420 00
6578	Richmond, Asa	810 00	340 00	470 00
9228	Robinson, Elisha B	3,100 00	910 00	2,290 00
1479	Rose, James	2,984 00	800 00	2,184 00
8881	Ross, Wesley W	1,627 50	950 00	677 50
2419	Russell, William M	450 00	275 00	175 00
6625	Scott, Benjamin	150 00	140 00	10 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
11186	Seagraves, William	$2,148 00	$1,030 00	$1,118 00
4965	Sembler, John R	1,727 50	.....	1,727 50
7622	Sewell, Humphrey	1,080 00	700 00	380 00
12066	Shannon, John L	2,775 00	.....	2,775 00
4490	Sheffield, John A	511 00	353 00	158 00
9252	Skaggs, administrator of William	2,540 00	1,435 00	1,105 00
6075	Smith, Philip	667 50	325 00	342 50
9727	Snead, Benjamin E	1,250 00	650 00	600 00
9659	Strickler, Jacob	375 00	345 00	30 00
6619	Sullivan, James H	750 00	.....	750 00
1995	Taylor, John Q	3,862 53	.....	3,862 53
1598	Thurman, John	332 50	300 00	32 50
5759	Turner, Jane H	290 00	265 00	25 00
4492	Wall, Emma	1,639 00	377 00	1,262 00
9284	Warren, William	1,819 00	404 00	1,415 00
4299	Webber, administratrix of Ansel	100 00	100 00	.....
9664	West, Thomas M	300 00	130 00	170 00
8884	Wells, Dolphin	700 00	300 00	400 00
5748	Wheeler, Thomas	200 00	200 00	.....
5726	Wilman, James E	2,740 00	.....	2,740 00
5329	Wilson, John	200 00	200 00	.....
10784	Wilson, Jonathan J	162 00	.....	162 00
9666	Wood, Catharine	290 00	240 00	50 00
11157	Wood, administrator of Daniel	2,960 00	1,610 00	1,350 00
4478	White, David C	7,435 00	3,198 00	4,237 00
8500	Yingling, Christena	420 00	.....	420 00
	FLORIDA.			
5108	Austin, Edmond	1,000 00	600 00	400 00
13525	Braddock, administratrix of John S	3,050 00	.....	3,050 00
1697	Weaver, William T	1,763 00	678 00	1,085 00
	GEORGIA.			
6185	Adams, Hiram S	1,487 00	.....	1,487 00
5346	Akridge, John T	2,995 00	.....	2,995 00
718	Allen, Young W	2,220 25	1,223 00	997 25
8268	Anderson, David B	873 00	.....	873 00
5109	Anderson, David M	1,042 75	.....	1,042 75
6351	Andrews, Ezra	2,333 00	.....	2,333 00
6597	Andrews, Henry G	305 00	.....	305 00
151	Arnold, Obediah	2,980 00	.....	2,980 00
6729	Baker, Mrs. Arcada	515 20	.....	515 20
5691	Barber, W. C	2,288 00	.....	2,288 00
3471	Beasley, James	200 00	.....	200 00
4945	Berry, Miles D	200 00	200 00	.....
6693	Bouchillon, Samuel D	612 50	.....	612 50
4097	Boyce, Meschack	2,239 75	.....	2,239 75
938	Boyle, Christopher C	4,455 33	.....	4,455 33
1088	Bracewell, James R	970 00	.....	970 00
2162	Branner, Benjamin	1,616 00	1,134 50	481 50
6600	Brooks, John	2,420 00	.....	2,420 00
4947	Brown, Fabian	125 00	.....	125 00
2592	Burch, Able	1,015 00	.....	1,015 00
4316	Burks, Elizabeth	517 50	.....	517 50
6194	Cain, John	1,083 50	.....	1,083 50
5468	Cannady, William E	2,197 50	.....	2,197 50
5110	Chalfinch, Hiram	136 75	.....	136 75
1936	Chapman, John	2,973 50	.....	2,973 50
7525	Clardy, Elliott	4,081 00	.....	4,081 00
5469	Coleman, Elias	175 00	.....	175 00
3940	Coleman, John (c)	691 50	460 00	231 50
8272	Coogler, Jesse	4,512 70	.....	4,512 70
3059	Cook, Benjamin	455 00	.....	455 00
6156	Cook, Jesse	1,055 00	600 00	455 00
725	Coolidge, William	16,011 75	.....	16,011 75
6225	Coursey, Charles P	2,072 40	.....	2,072 40
5763	Cowan, James J	886 00	.....	886 00
2966	Cox, Robert D	334 75	.....	334 75
5146	Creel, George	1,280 00	.....	1,280 00
5148	Creel, William	1,507 75	.....	1,507 75
1108	Curtis, James M	1,648 50	.....	1,648 50
1831	Dangaix, Joseph	4,625 00	.....	4,625 00
4409	Day, administratrix of Frank	1,277 08	958 99	318 09
7210	Dempsey, Benjamin F	1,591 50	.....	1,591 50
7780	Dodson, H. C	759 00	.....	759 00
3949	Dudley, Nancy	604 50	412 50	192 00
7330	Durden, Matthew	781 50	.....	781 50

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	LOUISIANA—Continued.			
250	Sullivan, James B	$24,515 00	$13,463 00	$11,052 00
8508	Shirk, Milton S	126,602 00	5,205 00	121,397 00
	MISSISSIPPI.			
3732	Adair, Elisha G	225 00	.....	225 00
3709	Adams, administrator of Barnette	859 00	.....	859 00
7653	Aldrich, Lyman D	2,995 00	.....	2,995 00
3852	Aldridge, N. M	1,435 00	.....	1,435 00
3347	Allen, Lewis D	320 00	240 00	80 00
5767	Anderson, Betty D., and Eliza J. Dougherty	2,825 66	.....	2,825 66
1492	Anderson, Ellen	370 00	.....	370 00
2105	Anderson, James	1,698 00	.....	1,698 00
2107	Auzborn, Penelope	860 00	.....	860 00
3727	Barnett, James H	845 00	420 00	425 00
3750	Barnett, administrator of John W	1,656 00	.....	1,656 00
4388	Battle, William B	2,305 00	.....	2,305 00
3423	Beale, Jesse W	360 00	230 00	130 00
5035	Bell, John F	1,050 00	.....	1,050 00
4233	Bishop, David	2,795 00	.....	2,795 00
3819	Blackeney, Frederick	527 50	.....	527 50
5872	Bobbett, Turner	1,037 00	.....	1,037 00
6940	Boger, Gabriel	650 00	350 00	300 00
1237	Boyd, Carolinus	1,947 40	.....	1,947 40
2852	Boyd, Elijah	2,000 00	.....	2,000 00
5036	Boyd, Lavinia	1,412 00	.....	1,412 00
2141	Broder, D. A	2,035 00	.....	2,035 00
5910	Brown, Valentine	1,500 00	400 00	1,100 00
5911	Brown, Samuel	1,650 00	200 00	1,450 00
4671	Browning, John A	901 25	.....	901 25
8578	Buchanan, Eli	250 00	150 00	100 00
8290	Bugg, Squire	555 00	375 00	180 00
3831	Burnett, Jefferson	655 00	.....	655 00
3738	Burt, Reddin	653 00	438 00	215 00
10582	Campbell, John	1,105 00	.....	1,105 00
8903	Carr, Mrs. Elizabeth	350 00	.....	350 00
6944	Chavis, Preston	1,750 00	.....	1,750 00
1308	Chearis, executrix of Thomas D	3,531 45	.....	3,531 45
3816	Cheves, Thomas N	579 00	.....	579 00
4389	Clark, administrator of J. N	425 00	240 00	185 00
6284	Clark, James M	1,920 50	.....	1,920 50
3921	Clausel, Richard W	1,701 00	766 00	935 00
284	Clayton, W. W	1,955 00	.....	1,955 00
5876	Coates, W. B	2,250 25	.....	2,250 25
2228	Cofer, Jane	2,173 75	.....	2,173 75
8535	Cook, administratrix of William	2,123 00	721 50	1,401 50
4605	Cowan, administrator of W. H	2,975 00	1,815 00	1,160 00
4813	Cox, Elizabeth	2,780 00	.....	2,780 00
5231	Cunningham, James, and Logan Gorman	325 00	240 00	85 00
4678	Dagg, administrator of James	2,950 00	.....	2,950 00
5366	Daily, Josiah	200 00	150 00	50 00
5555	Daniel, Asa B	11,556 80	.....	11,556 80
4415	Daniels, G. C	2,119 00	.....	2,119 00
4788	Davis, Kye	300 00	100 00	200 00
2404	Davis, Presley	995 00	.....	995 00
5767	Doughty, Eliza J. (See Betty B. Anderson.)			
4416	Dressler, Theopilus	1,213 00	521 00	692 00
4330	Duck, John	270 00	220 00	50 00
70	.....	.....	.....	.....
71	.....	.....	.....	.....
72	Dumm, A. G	5,365 00	2,800 00	2,565 00
8440	Duncan, J. M	770 00	.....	770 00
695	Edwards, Benjamin	450 00	.....	450 00
3877	Ellis, William E	2,062 00	1,247 00	815 00
3912	Elliott, Louisa	1,672 50	.....	1,672 50
8503	Fake, Emeline	882 00	490 00	392 00
8220	Field, Levi B	1,151 75	.....	1,151 75
3725	Fielder, Eliza A	1,207 50	.....	1,207 50
2142	Fitzgerald, Frances	142 00	.....	142 00
7746	Fitler, Theodore	540 00	180 00	360 00
9407	Foley, Burrell	360 00	.....	360 00
2855	Ford Washington	1,714 00	.....	1,714 00
3404	Fort, Robert D	840 00	.....	840 00
8489	Fortner, Annie E	4,818 00	.....	4,818 00
8528	Fortner, William L	1,108 00	511 00	597 00
2883	Fox, George W	.....	.....	.....
10071	Frazure, John G	1,281 25	.....	1,281 25

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
5292	Gage, Caroline	$928 75		$928 75
5915	Garnett, Isom	825 25	$233 50	591 75
6315	Garrett, Thomas	602 50	320 00	282 50
4679	Garrett, Thomas L	350 00		350 00
5104	Gibson, Thomas	1,583 00		1,583 00
1058	Gibson, James G	1,883 60	900 00	983 60
913	Gilreath, William R	1,140 00		1,140 00
5231	Gorman, Logan. (See James Cunningham.)			
1818	Gorman, William	660 00	290 00	370 00
2144	Greer, Sallie G	1,151 00		1,151 00
4800	Hall, Nancy	766 25		766 25
4801	Harris, Mary A	275 50		275 50
1945	Hart, Philip	365 00	200 00	165 00
5768	Hawkins, George	1,960 00	1,140 00	820 00
4383	Hays, John S	250 00	150 00	100 00
5394	Head, James	175 00		175 00
5043	Henderson, James W	1,596 25		1,596 25
5041	Henderson, Mary A	320 00		320 00
5042	Henderson, Sally A	1,655 00		1,655 00
5105	Hobson, T. D	2,650 50		2,650 50
1602	Hodges, administrator of Robert S	771 30	255 50	515 80
6968	Holman, Mrs. S. M	7,481 00	1,782 00	5,699 00
4332	Hughes, Isaac	630 00	450 00	180 00
3832	Hughes, Samuel W	1,042 50		1,042 50
771	Hutchings, Abingdon V	866 75		866 75
6972	Jackson, Wesley	400 00	230 00	170 00
6287	Johnsey, Jesse	515 00		515 00
2605	Johnson, Elisha R	371 50		371 50
3733	Jones, Albert and Mary E	2,949 0		2,949 50
5595	Jones, executrix of Nelson B	2,991 00		2,991 00
282	Julian, J. C	987 50		987 50
2885	Kenney, Nelson	1,285 00	900 00	385 00
4419	Knabel, Martin	2,019 25	696 00	1,323 25
2145	Lamb, Burneta	2,370 00		2,370 00
5518	Lea, Ellen D	5,428 00		5,428 00
2146	Leigh, James H	2,165 80		2,165 80
9809	Leslie, Annie J	615 00		615 00
3397	Lowenburg, Isaac	1,500 00	500 00	1,000 00
4686	McCain, Mary A	1,383 00		1,383 00
4318	McClure, Robert E	300 00	150 00	150 00
4864	McCracken, D. J	1,889 00		1,889 00
60	McEwen, Cyrus	1,976 00		1,976 00
1603	McKenny, Judy	510 00		510 00
587	McKnight, William	1,008 50		1,008 50
4988	McRae, John	580 00	280 00	300 00
4925	Marsh, Cyrus	637 20		637 20
4422	Massier, Jacob	2,900 00		2,900 00
5044	Martin, William F	725 00		725 00
1153	Mead, Fabius J	650 00	525 00	125 00
5015	Means, Charles F	725 00		725 00
8876	Milham, Henry	1,505 00		1,505 00
2181	Moore, Lambert	495 00	150 00	345 00
2787	Moore, Wright A	2,787 50		2,787 50
4598	Moore, Prudy	200 00	140 00	60 00
5572	Moore, James	1,675 00		1,675 00
5107	Moorehead, Richard J	200 00	130 00	70 00
5039	Morgan, heirs of Joseph D	2,980 00		2,980 00
3917	Murphy, Henry	1,054 50		1,054 50
7558	Murray, Robert	1,010 00		1,010 00
4239	Neel, Anthony	2,650 00		2,650 00
3173	Neeley, executrix of W. W	24,494 00		24,494 00
13872	Newsom, Sowell	3,275 00		3,275 00
914	Nutt, executrix of Haller	117,459 92	56,368 25	61,091 67
1252	Oswald, John B	2,810 00		2,810 00
8435	Owen, James H	1,437 00		1,437 00
3652	Parks, Wiley S	215 00		215 00
3739	Patrick, James M	1,086 00		1,086 00
2149	Petrea, Daniel	700 00		700 00
8295	Petty, Martha B	1,040 00		1,040 00
3406	Philips, administrator of L. N	2,407 00		2,407 00
3876	Powell, Benjamin	1,750 00		1,750 00
411	Powell, John M	62,279 62	16,425 00	45,854 62
10069	Quick, Nathan	1,428 50		1,428 50
8498	Quine, Julia	1,631 00		1,631 00
3920	Ragan, G. W	1,400 00		1,400 00
4708	Reed, Mrs. Adeline	2,610 00	657 00	1,953 00
4489	Reeves, William	1,845 00		1,845 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
4423	Reynolds, E. L	$540 00		$540 00
8432	Rhodes, Catherine R	162 50		162 50
4240	Rhodes, John C. H	2,388 00		2,388 00
8441	Rigsby, Mary A	155 00		155 00
4692	Robinson, Josiah	315 00		315 00
1694	Royston, Aaron	535 00		535 00
4877	Rucker, Jonathan	825 00	$500 00	325 00
4282	Scallen, William	334 00		334 00
8296	Schueler, Louis	150 00		150 00
7001	Scott, William	425 00	300 00	125 00
2150	Seigles, Mrs. C. V	2,010 00		2,010 00
2636	Sharkey, William L	3,655 00	1,920 00	1,735 00
8304	Sherman, Mrs. Ruth H	1,406 00		1,406 00
108	Shultz, Samuel	1,686 00		1,686 00
4697	Sloan, Sarah Ann	1,350 00		1,350 00
232	Small, Mary Ann	4,595 00		4,595 00
10576	Smith, Hardy	795 00	512 00	283 00
6198	Smith, Maria	450 00	165 00	285 00
4695	Spears, Jane	2,822 00		2,822 00
2299	Stafford, James H	2,383 75		2,383 75
3904	Steger, James H	1,488 00	393 51	1,094 49
2886	Steward, Eveline	165 00	110 00	55 00
6999	Stinyard, Benjamin	300 00	200 00	100 00
4698	Stone, William	1,040 00		1,040 00
5589	Stubbs, Thomas B	1,900 00		1,900 00
7347	Summers, Jonathan	550 00		550 00
4380	Sykes, Henry O	1,959 50		1,959 50
5296	Sykes, Sarah	1,002 00		1,002 00
2610	Thompson, Benjamin B	1,254 00	800 00	454 00
4938	Thompson, Lewis	365 00	260 00	105 00
8289	Trammell, administrator of Elisha	1,200 00		1,200 00
1307	Turnage, Thomas T	6,880 00	3,275 00	3,605 00
1056	Valentine, Edward H	2,950 00	800 00	2,150 00
8516	Varner, Rufus M	1,826 50		1,826 50
3896	Walker, Thomas W	2,960 00		2,960 00
5331	Walton, Josiah N	2,285 00		2,285 00
2266	Ward, E. P	3,000 00		3,000 00
7004	Ward, Malinda	721 00	150 00	571 00
3871	Warren, William T	1,860 00		1,860 00
8219	Washington, George	725 00	600 00	125 00
7005	Watts, James C	1,425 00		1,425 00
3804	Wear, Robert B	2,866 00		2,866 00
866	Wells, Nancy	2,861 04		2,861 04
5046	West, Sarah E	1,515 50		1,515 50
2955	West, William B	775 00		775 00
911	Wharton, Mary Jane	1,250 00		1,250 00
3872	White, administrator of Jonathan	992 00		992 00
4702	White, John	380 00		380 00
3828	Whiteside, Isaac N	1,959 00		1,959 00
3859	Whiteside, John F	1,557 00		1,557 00
2300	Whittaker, Harriett	266 00	156 00	110 00
3910	Wilder, George E	2,996 00		2,996 00
2714	Williams, W. J	1,807 00	700 00	1,107 00
8537	Wilson, Jason C	2,259 00		2,259 00
1947	Wixson, Oliver P. H	1,617 00	945 00	672 00
5976	Woods, Abram	545 00	280 00	265 00
8300	Woods, James S	587 00		587 00
5603	Woods, Lewis	300 00		300 00
3387	Wolff, administrator of Valentine	1,275 00		1,275 00
8301	Wootten, William R	850 00		850 00
3077	Wright, administrator of John	2,993 00		2,993 00
4877	Young, Marvel N	2,970 00		2,970 00
	NORTH CAROLINA.			
8404	Abbott, James D	1,362 12	912 00	450 12
8171	Albertson, Edward C	500 00		500 00
4225	Altman, Alfred	1,200 00		1,200 00
1222	Andrews, Joseph J	633 00	370 00	263 00
2188	Andrews, Peter	415 00		415 00
10880	Atkinson, William F	14,762 00		14,762 00
6478	Banks, Linn	1,202 89		1,202 89
5732	Barefoot, Handy	1,172 00		1,172 00
5733	Barefoot, John	468 75		468 75
677	Barrentine, Charles A	400 00		400 00
678	Barrentine, Philip J	67 40		67 40
13234	Baswood, Gideon	250 00		250 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
6344	Batchelor, Bennett	$112 00		$112 00
13229	Baxter, Joseph F	200 00		200 00
5302	Beasley, Frederick M. C	985 50		985 50
8127	Bell, Burril, sr	212 00	$140 50	71 50
1929	Best, Calvin C	681 05	215 00	466 05
5907	Betts, Dicey	416 50	80 00	336 50
8038	Bizzell, Samuel	2,708 50		2,708 50
2108	Bolger, Abel R	1,022 00	165 00	857 00
5429	Bolton, Peter, sr	611 25	422 50	188 75
2030	Bond, James F	475 00		475 00
1708	Boone, William	200 00	110 00	90 00
6345	Bowers, Cannon	542 50	475 00	67 50
2929	Brady, John	1,055 00		1,055 00
4093	Brewington, William R	505 25	317 25	188 00
14232	Bright, Elizabeth A	238 00		238 00
6346	Brockwell, Elizabeth	344 75		344 75
6347	Brockwell, Thomas	130 00	102 50	27 50
7072	Brockwell, William	698 00	338 00	360 00
3680	Broughton, Matilda	434 00		434 00
14228	Brown, administrator of Joseph	200 00		200 00
6573	Brown, William M	650 00	260 00	390 00
9181	Bryan, Lewis	250 00	170 00	80 00
1709	Bryant, David A	524 75	376 25	148 50
6438	Bull, Rebecca	562 00		562 00
6599	Burns, Silas	555 00	480 00	75 00
6548	Burroughs, Louisa	1,642 20		1,642 20
7628	Campbell, Flora J	802 00		802 00
3195	Carter, Henry	230 00		230 00
6264	Carver, James B	353 25		353 25
4878	Case, Enos	335 25		335 25
11931	Case, William	150 00	150 00	
4544	Chapin, Ansell B	697 00	697 00	
679	Chavis, James	134 75	80 00	54 75
6349	Cheek, James M	2,617 50	1,509 00	1,108 50
5088	Coffey, James	340 00	230 00	110 00
2922	Cooper, Wills	160 00		160 00
8833	Copeland, Henry, sr	550 00	402 50	147 50
9066	Copeland, John	275 00	200 00	75 00
660	Covington, Elizabeth	1,293 00		1,293 00
8756	Cox, Lydia P	370 00	95 00	275 00
8128	Crowder, Thomas A	150 00		150 00
2979	Crowley, Elijah	600 00	100 00	500 00
3668	Crumpler, Wiley	438 25	314 50	123 75
3671	Crumpler, William	357 10		357 10
7954	Dail, Elbert	145 00		145 00
3343	Dailey, Daniel	302 00		302 00
3344	Dailey, Edmund	225 00	140 00	85 00
7146	Dale, Elizabeth and Mahala	390 00	210 00	180 00
6041	Darrock, Daniel	570 25		570 25
1581	Deal, Susan	198 00		198 00
2724	Deanes, James	774 50		774 50
6308	Deanes, Thomas A	980 05	514 00	466 05
9004	Deaver, T. S	164 00	164 00	
9005	Deever, William H	275 00		275 00
7910	Dockery, John	150 00		150 00
7076	Dodd, Francis	150 00		150 00
1951	Donelson, William	493 45		493 45
5913	Dudley, James	190 00	92 00	98 00
4634	Eddins, S. W	204 00		204 00
2725	Edwards, John	271 45	144 00	127 45
4229	Eldridge, Elizabeth	639 00		639 00
4228	Eldridge, John	2,155 00		2,155 00
9067	Elliott, Thomas P	500 00	320 00	180 00
204	Ellis, Flora	420 50		420 50
5430	Elmore, John H	745 25		745 25
8129	Evans, Enoch	1,269 00		1,269 00
2576	Evans, Warren	224 00	135 00	89 00
7331	Eubank, L. L	1,701 00		1,701 00
4933	Faucett, Henry	150 00	100 00	50 00
3619	Ferrill, Rufus K	2,245 00	590 00	1,655 00
3578	Ford, Cassem M	265 00		265 00
8354	Fossett, William R	187 25		187 25
2861	Fowle, Samuel R	2,096 75	1,478 75	618 00
4635	Franklin, G. B	476 50		476 50
6436	Gaskins, Seth	200 00	140 00	60 00
3196	Gatling, Elizabeth	924 00		924 00
4637	Gill, Tyrell	282 00		282 00
671	Ginn, Anderson	144 50		144 50

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
2778	Goodwin, Jefferson	$1,157 00	$533 00	$624 00
2344	Goodwin, Joshua	513 50	335 00	178 50
1871	Goodwin, Kendrick	888 00	623 25	264 75
7911	Green, Silas M	262 00	178 00	84 00
479	Gregory, Joseph B	350 00	250 00	100 00
124	Guthrie, Hugh B	2,350 00	.....	2,350 00
1954	Hall, Joshua	267 50	.....	267 50
750	Hamer, Robert C	1,972 80	.....	1,972 80
3664	Ham, Penelope	2,524 75	.....	2,524 75
1971	Hardison, Avis	1,267 50	.....	1,267 50
3198	Harrell, Elijah	336 75	.....	336 75
9006	Harris, Henry H	300 00	250 00	50 00
9493	Harrison, Harmon	150 00	100 00	50 00
2190	Harrison, James L	250 00	.....	250 00
3692	Harrison, John	1,107 80	832 00	275 80
4950	Harrison, Mahala	245 00	.....	245 00
2187	Hart, Titus	200 00	130 00	70 00
5432	Haslett, Mrs. Siddia	510 00	.....	510 00
3583	Hatchcock, F. M	1,520 00	.....	1,520 00
5431	Hawley, John, jr	211 25	.....	211 25
1930	Hay, James	646 00	395 00	251 00
7336	Hay, James E	2,625 00	.....	2,625 00
1221	Hayes, Joseph D	1,331 25	.....	1,331 25
6356	Henderson, Willie	1,072 00	707 00	365 00
2191	Hines, Freeman	1,135 00	.....	1,135 00
2039	Hinton, Gordon R	559 00	.....	559 00
3584	Hobby, Reuben	274 00	135 00	139 00
7625	Hodges, James	683 75	.....	683 75
6358	Hogan, Alexander	1,479 00	726 50	752 50
7078	Hogan, Joseph C	1,105 00	.....	1,105 00
6360	Hogan, William J	2,124 00	.....	2,124 00
4643	Holland, Rebecca	498 00	.....	498 00
4642	Holland, William	337 00	.....	337 00
7754	Hollowell, Jesse	6,530 00	2,841 00	3,689 00
8324	Hollowell, John	1,500 00	1,091 50	408 50
8133	Holt, Richard J	304 50	.....	304 50
5303	Hood, John C., sr	679 12	.....	679 12
8795	Hooper, Jerry	110 00	70 00	40 00
5917	Horton, Annie	138 50	.....	138 50
2726	Howell, Major	198 55	38 00	160 55
5433	Howell, Miles	250 00	.....	250 00
7755	Howell, Stephen	1,122 30	.....	1,122 30
2040	Hudgins, Warren P	230 00	.....	230 00
900	Hutchins, John F	6,289 50	.....	6,289 50
1714	Jackson, Alex	364 00	273 00	91 00
2378	Jackson, Epsie	772 50	.....	772 50
2347	Jackson, Henry T	614 50	.....	614 50
6130	Jackson, Travis	265 85	151 25	114 60
4794	Jacobi, Nathaniel	1,873 21	.....	1,873 21
7758	Jennet, Barney C	150 00	130 00	20 00
7756	Jennet, Charity	415 75	265 00	150 75
9516	Jessup, Jesse	163 50	131 00	32 50
8308	Johnson, Willis	197 00	.....	197 00
5920	Jones, Friday	2,019 25	955 00	1,064 25
4645	Justice, R. R	490 00	.....	490 00
9430	Keen, Jesse	275 00	210 00	65 00
6364	King, Andrew J	507 00	.....	507 00
2780	King, Elbert	182 00	.....	182 00
5547	King, Elizabeth	518 00	240 00	278 00
6366	King, Turner	126 00	.....	126 00
6361	Kirkland, John	289 50	.....	289 50
6363	Kirkland, Lucy T	294 25	223 00	71 25
7321	Lamb, Edmund	195 00	125 00	70 00
9074	Lassiter, Wm. A	470 00	.....	470 00
184	Lawton, administratrix of Matthew	3,000 00	.....	3,000 00
5434	Layton, John A	318 00	.....	318 00
1715	Leary, Matthew N	1,966 10	.....	1,966 10
5939	Leatherwood, Abel J	903 00	.....	903 00
2455	Lee, James R	1,618 75	.....	1,618 75
5305	Lee, John, 1st	1,670 50	.....	1,670 50
2304	Lee, Thomas	431 75	.....	431 75
3691	Lee, William E	583 50	209 00	374 50
7131	Leigh, Eleanor	350 00	200 00	150 00
6897	Liggon, Addison	148 50	109 50	39 00
921	Lockhart, Fletcher	250 00	120 00	130 00
255	London, guardian of Pricy	414 70	.....	414 70
4763	Long, Sally F. C	902 00	370 00	532 00
6368	Lloyd, Stephen	127 00	96 25	30 75

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
6369	Lloyd, William H	$114 00		$114 00
4593	McCormick, Duncan	1,000 00		1,000 00
4592	McCormick, Harriet E	1,000 00		1,000 00
5711	McCoy, William F	307 50		307 50
4080	McCullen, Bryan	585 00		585 00
1955	McGuire, Michael	150 00	$135 00	15 00
2354	McMillan, Hector	3,212 50		3,212 50
6371	Maddrey, Abel	237 50		237 50
2194	Mallard, W. H	360 75	180 00	180 75
16719	Mann, Daniel	288 00	185 00	103 00
6104	Melarkey, John	1,500 00		1,500 00
6372	Markham, William A	520 00		520 00
4764	Mobley, James	1,075 00	300 00	775 00
102	Monroe, Daniel C	398 40	245 00	153 40
7759	Moore, Curtis P	1,119 50	658 00	461 50
3662	Moore, Lancaster J	2,852 45	2,055 25	797 20
969	Mooring, Samuel B	1,080 00		1,080 00
3342	Morgan, Miles	240 00		240 00
9495	Morris, Jacob	150 00	90 00	60 00
4937	Murchison, Isaac	300 00	150 00	150 00
106	Nance, Washington J	244 85		244 85
9496	Newberry, J. P	313 98	263 98	50 00
4245	Nixon, Elizabeth A	2,873 00		2,873 00
1448	Nixon, Francis	500 00		500 00
3602	Nixon, Reuben	727 50		727 50
9453	Norton, Eli	148 90		148 90
664	Norton, Godfrey	1,106 75		1,106 75
667	Norton, Reuben	577 00	334 00	243 00
6375	Olive, Monroe C	345 00		345 00
9075	Oxly, Augustus W	200 00		200 00
5551	Oxley, Elbert H	250 00		250 00
668	Pate, Elijah	574 75	296 00	278 75
5306	Peacock, Nancy	1,220 25		1,220 25
5327	Pearson, administrator of Lazarus	2,710 25	1,482 00	1,228 25
4651	Peebles, Joseph A	396 50		396 50
8328	Perkins, William R	500 50	170 00	330 50
2193	Perry, Calvin	2,275 00		2,275 00
6450	Perry, Robert S	956 00		956 00
9499	Pettiford, Alford	85 00	85 00	
9500	Pettiford, Judy	85 00	60 00	25 00
8213	Phillips, J. A. D	280 00		280 00
9169	Phinney, Robert	700 00	150 00	550 00
3665	Pike, William, jr	462 00		462 00
12-0	Pine Forest Cemetery	600 00		600 00
5439	Plummer, Zachariah	626 50	460 00	166 50
8101	Pool, William J	861 00	713 50	147 50
5095	Price, George W., sr	1,133 00	439 00	694 00
5237	Pulley, Turner	215 00		215 00
206	Ray, John	608 25		608 25
4303	Reid, Asbury	114 50	52 00	62 50
2729	Reid, Percy	68 65	42 25	26 40
1958	Rice, Isaac	600 00	175 00	425 00
1934	Robinson, John	2,625 00	590 00	2,035 00
8309	Rogers, Calvin J	1,680 25		1,680 25
1195	Rosemond, John	2,773 20	982 00	1,791 20
4653	Royster, Maria P	2,302 50		2,302 50
4656	Sanderford, Elisha	152 00		152 00
6313	Sanderford, George A	1,240 00		1,240 00
230	Seaman's Friend Society	2,501 00		2,501 00
8909	Sexton, Willie	392 00		392 00
6131	Simmons, George D	225 00	200 00	25 00
9505	Smallwood, Louisa	42 50	42 50	
675	Smith, Alexander	405 00		405 00
8046	Smith, Daniel S	2,120 00		2,120 00
670	Smith, Duncan	982 25		982 25
1291	Smith, John A	1,450 00	500 00	950 00
674	Smith, John H	392 50		392 50
2197	Smith, Joseph K	1,256 00		1,256 00
3880	Smith, Needham	1,008 80		1,008 80
6132	Smith, William J	378 75		378 75
4661	Snellings, Robert	654 50	487 00	167 50
9927	Sparrow, Charity	1,500 00	400 00	1,100 00
7245	Spraggings, Nancy	379 00	155 00	224 00
3260	Steger, William	200 00	140 00	60 00
8138	Stevens, Crawford	736 50		736 50
6380	Steward, Manson	150 00		150 00
6061	Stewart, Jessie	351 25		351 25
5925	Stewart, Thomas	278 50	186 00	92 50

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
7893	Sutton, Mrs. Nancy	$830 00	$585 00	$245 00
7891	Sutton, Mrs. Mary C	495 00		495 00
6441	Taylor, Hicksey	3,184 00		3,184 00
9425	Taylor, William S	323 25	156 40	166 85
8047	Tew, Holly J	150 00		150 00
1644	Thomas, Franklin	2,980 40	920 00	2,060 40
7271	Thompson, Nelson T	1,159 80		1,159 80
3088	Tucker, McLindon	380 50	18 50	362 00
6265	Underwood, Uriah	622 50		622 50
105	Vaughn, James C	209 75		209 75
103	Vaughn, Ruffin	694 00		694 00
3693	Voorheef, Louis	300 00	180 00	120 00
8037	Wakefield, Thomas	175 00		175 00
13329	Walker, E. H	1,973 75		1,973 75
5337	Waters, Caroline	554 00		554 00
4934	West, Jacob	360 00		360 00
8353	Whitaker, James, jr	249 00		249 00
6384	White, John	15 00	10 00	5 00
9076	Wiggins, executor of Thomas M	800 00		800 00
4970	Williams, Mark M	530 00		530 00
3201	Winslow, John S	220 00		220 00
1465	Woodered, John	75 00	75 00	
2081	Woodey, Thomas	150 00	100 00	50 00
8498	Wynn, Caroline	103 25	90 00	13 25
185	Young, Amanda D	500 00		500 00
186	Young, Amanda D	13,260 00		13,260 00
	SOUTH CAROLINA.			
6889	Amick, John D	2,026 50		2,026 50
7267	Bonkwright, George	712 00	324 00	388 00
7266	Bonkwright, Robert A	299 25		299 25
628	Brigman, Thomas	1,064 00		1,064 00
589	Conner, Lucy	596 50	494 00	102 50
5773	Coogler, John W	589 50		589 50
8816	Corley, Jacob L	490 00	191 00	299 00
6118	Daniels, William	270 02	160 50	109 52
6896	Derrick, Jacob J	695 00		695 00
8746	Derrick, James D	785 00		785 00
8745	Derrick, Jesse	696 00		696 00
7648	Duane, Timothy	1,785 00		1,785 00
4108	Easterling, Joel L	2,508 50		2,508 50
6641	Edwards, Nathaniel E	807 00	300 00	507 00
8817	Eleazer, Mary R	512 50	205 00	307 50
8457	Epting, Jacob, jr	857 50		857 50
6642	Epting, George	1,489 00		1,489 00
5454	Flanigan, Patrick H	3,000 00		3,000 00
4111	Grant, John G	2,962 00		2,962 00
3799	Haskew, Thomas	2,964 00		2,964 00
6263	Heise, John H	3,000 00		2,000 00
1731	Hogan, Patrick	5,000 00	1,500 00	3,500 00
4121	Jones, John	665 00		665 00
6084	Kennerty, John	2,673 00	595 00	2,078 00
8456	Kessler, John G	1,279 00		1,279 00
7611	Moran, John	3,521 00		3,521 00
10351	Middleton, Edward	14,703 50	12,240 00	2,463 50
4130	Odom, James W	798 00		798 00
14132	Parish, Alfred	422 70		422 70
4131	Pearce, William H	485 25		485 25
5455	Schwarze, Philip B	2,126 00		2,126 00
17032	Seel, Louis	3,185 00	1,466 00	1,719 00
6910	Seigler, William	502 50		502 50
6716	Sessions, Thomas	1,560 00		1,560 00
6905	Shealy, John A	1,564 00		1,564 00
669	Smith, Anderson	310 50	155 00	155 50
5186	Smith, Herbert	2,845 00		2,845 00
272	Stubbs, James	325 25	265 00	60 25
8455	Summers, Polly	2,107 60		2,107 60
5689	Taylor, Carolina	431 90	207 50	224 40
6646	Taylor, Edwin	460 00		460 00
6129	Vansant, Isaac	509 50	315 50	194 00
	TENNESSEE.			
4520	Adams, Jasper	500 00		500 00
8495	Adamson, Greenberry	977 00		977 60
12053	Alexander, George A	205 00	74 00	131 00
11614	Ament, Samuel P	1,963 72		1,962 73

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
12167	Andes, Lorenzo D	$1,124 00	$422 00	$702 00
5218	App, Matthias	1,372 11		1,372 11
12841	Armstrong, F. B	500 00	100 00	400 00
8681	Ashmore, David	410 00	294 00	116 00
10550	Atchley, Joshua H	739 00	699 00	40 00
12162	Bales, Parnell	297 50	100 00	197 50
11524	Ballard, Charles	365 00		365 00
13882	Ballard, Elizabeth E	150 00		150 00
14141	Barker, administrator of J. N	660 25		660 25
5142	Bennett, John M	1,150 00		1,150 00
2672	Benton, J. M	150 00	125 00	25 00
1248	Berry, William T	24,778 28	9,410 00	15,368 28
11287	Bickley, Mrs. Jane	2,979 00		2,979 00
4424	Biggs, Henry	440 00	225 00	215 00
11957	Billue, Robert B	145 33	104 50	40 83
807	Binkley, Patterson	850 00	639 00	211 00
6724	Bishop, administrator of Richard	384 50	384 50	
5168	Blair, David B	1,039 60		1,039 60
13490	Boring, Hartsell	224 00	155 00	69 00
4208	Bradford, Virginia A	4,115 00		4,115 00
4434	Bradshaw, Joseph C	127 50	70 00	57 50
4669	Branch, Needham	1,306 00		1,306 00
3939	Breadlove, Chloe	85 00	60 00	25 00
12052	Bright, Bartlett	205 87	97 87	108 00
10379	Brooks, Benjamin S	1,413 00		1,413 00
8061	Brooks, James M	727 50		727 50
12525	Brown, John	111 96	78 75	33 21
2775	Brown, Randall	1,600 00		1,600 00
1513	Bryant, Zachariah	680 00		680 00
13295	Burchfield, Joseph R	390 00	215 00	175 00
4522	Butler, Atlas J	958 00		958 00
2674	Butler, P. T	125 00		125 00
5345	Butler, P. T	417 00	225 00	192 00
7866	Cain, John W	1,915 00		1,915 00
4098	Cannon, Jane W	150 00		150 00
2034	Cardwell, Wm	500 00	100 00	400 00
2958	Carnes, administrator of John W	1,020 00		1,020 00
13840	Carson, Alvin B	150 00	100 00	50 00
13409	Carson, E. M	210 00	75 00	135 00
5346	Carson, John	1,064 00	726 00	338 00
8406	Carter, Robert	665 00		665 00
11920	Case, Joshua F	290 00	250 00	40 00
11946	Case, Joshua F	135 00	115 00	20 00
4765	Cash, Elizabeth	483 50		483 50
12176	Cate, Joseph	511 00	187 50	323 50
12174	Cate, Nancy	65 00	65 00	
9573	Cathcart, Joseph G	520 00		520 00
4268	Chambers, administrator of Thomas	1,038 09	550 90	487 19
1519	Chambers, guardian estate of Joel	245 00		245 00
12153	Chaney, William, sr	725 50	183 00	542 50
6143	Chappell, Joel R	2,503 25		2,503 25
14127	Cheatham, John	360 00		360 00
11019	Childer, Mitchell	294 00	193 00	101 00
8856	Clement, Ann Henry	615 00		615 00
11569	Clevinger, Thomas S	469 83	72 07	397 76
8656	Clinton, John	400 00	120 00	280 00
2891	Cobb, Jesse B	912 50		912 50
14588	Coffin, administrator of James	1,694 00		1,694 00
7868	Coile, John L	300 20	185 00	115 20
5950	Cole, James E	569 20		569 20
7259	Cole, John R	442 70		442 70
14259	Collins, Sarah G	497 50		497 50
12906	Collins, William L	1,743 12		1,743 12
5219	Conolly, Peter	1,518 00	150 00	1,368 00
7142	Cook, L. N. M	1,419 00		1,419 00
4001	Cowan, A. J	350 00	350 00	
9318	Cozart, Abram W	2,997 45	2,622 45	375 00
2976	Cramer, Ferdinand	2,500 00		2,500 00
8211	Crandall, Asa H	350 00		350 00
4611	Crow, Henry C	2,230 00		2,230 00
12730	Cunningham, John W	171 40	126 20	45 20
4451	Curry, James	239 20	114 20	125 00
10796	Curtis, Isham L	275 00		275 00
8179	Dalton, David T	143 00	140 50	2 50
6729	Dalton, William B	1,561 00	831 00	730 00
12117	Damron, Joseph	403 25		403 25
875	Daniels, Alexander	662 50		662 50
5548	Davenport, Isaac	230 00		230 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
13869	Davi 'son, James F	$710 00		$710 00
1191	Davidson, John W	558 00	$430 00	128 00
7856	Davis, James	240 00		240 00
693	Davis, William	520 50		520 50
13576	Davis, Zachariah	180 00	130 00	50 00
7260	Dean, Abijah	406 00	196 60	210 00
8063	De Loach, Josiah	13,430 00	3,700 00	9,730 00
11724	Denton, Dorcas	380 00	224 00	156 00
2679	Deshong, L. W	640 00		640 00
10378	Dickens, William T	200 00		200 00
5717	Dinker, Patrick	500 00	350 00	150 00
4554	Dinwiddie, Thomas H	1,460 00		1,460 00
681	Dollis, Henry C	1,152 50		1,152 50
12116	Donaldson, Docia A	112 00		112 00
8064	Douglas, Mary L	200 00		200 00
3542	Doxey, John L	1,429 90		1,429 90
12161	Duncan, Isaac A	647 00	180 00	467 00
12729	Dunn, John	181 00		181 00
2827	Dunn, Joseph W	300 00	200 00	100 00
12171	Elder, John H	150 00		150 00
9016	Elliott, Alpha	2,192 50	1,311 00	881 50
12152	Elliott, George M	154 00	84 00	70 00
4427	Ellis, Robert L	200 00		200 00
14895	England, Richard	399 62	140 45	259 17
6336	Erwin, James	221 00	129 00	92 00
4977	Evans, John E	717 25		717 25
5318	Fall, John T. S	951 00	664 00	287 00
12731	Featherstone, Clement A	1,971 00		1,971 00
4523	Finch, administrator of Edward	230 00		230 00
10548	Fleming, Ruth A	2,050 00		2,050 00
785	Foley, Timothy	300 00		300 00
12837	Forrest, Henry	236 00	65 50	170 50
9323	France, John	303 00	160 00	143 00
10767	Franklin, Benjamin F	505 00		505 00
9570	Frank, Robertson	145 00	100 00	45 00
12165	French, Lucinda R	230 00	104 00	126 00
12157	French, Moses, sr	989 00	474 50	514 50
1531	Freeman, administrator of Elijah	378 00	170 00	208 00
3647	Galbreath, John H	1,892 70	335 50	1,557 20
7560	Gammon, Isaac	330 00		330 00
5169	Gans, Isaac M	12,500 00	3,216 25	9,283 75
12170	Gant, George W	312 50	210 00	102 50
11362	Gardner, Martha A	670 00		670 00
6144	George, Evan	210 00	140 00	70 00
9865	Gibbs, John	512 71	256 00	256 71
4393	Gibson, Joseph	110 00	100 00	10 00
3267	Glaney, executors of John	1,400 00		1,400 00
13986	Glover, Samuel	330 00		330 00
1525	Graves, William H	1,055 00		1,055 00
14260	Gray, George S	2,301 00		2,301 00
3021	Greener, administrator of John G	1,775 00		1,775 00
12357	Gryder, Joseph	444 00	276 50	167 50
4776	Hall, Hinton	650 00	350 00	300 00
3220	Hamby, Joel M	125 00	125 00	
9471	Hamilton, David P	664 00	315 00	349 00
14314	Hamilton, Emeline	162 50	110 00	52 50
13987	Hamilton, Joshua	300 00	100 00	200 00
13492	Hammer, Thomas C	156 25		156 25
2779	Harding, Burrell	1,050 00		1,050 00
6317	Hardin, Peter	1,060 00		1,060 00
9118	Harper, James	329 40	71 00	258 40
10842	Harper, Jesse H	1,580 00		1,580 00
8857	Harris, John W., jr	200 00		200 00
5232	Harwood, William G	8,328 50		8,328 50
3384	Haskins, Thomas S	323 00	50 00	273 00
1075	Haupt, John F	1,055 75		1,055 75
8643	Hayes, Thomas H	437 00	205 00	232 00
9543	Hazen, Gideon M	1,117 10	323 00	794 10
13294	Hartsell, Charles R	420 00	318 00	102 00
6316	Hefner, John P	3,502 50		3,502 50
7879	Helton, James	553 08	378 00	175 08
8162	Henry, John	1,045 00		1,045 00
2085	Hicks, W. J	155 00	79 00	76 00
5882	Higdon, Miles C	700 00		700 00
9515	Hildebrand, David H	1,025 00		1,025 00
5545	Hill, Jacob	2,096 00		2,096 00
5543	Hinson, John W	275 00		275 00
4051	Holloway, James	1,200 00	400 00	800 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
5221	Holly, Ezekiel	$355 00	$200 00	$155 00
5359	Horn, administrator of J. F.	150 00	105 00	45 00
4130	Houston, W. A.	1,055 00	434 00	621 00
11721	Howard, John	285 00	205 00	80 00
5357	Howard, William P.	873 00	96 50	776 50
8694	Howell, William A.	507 60	.....	507 60
5314	Howington, James W.	1,880 20	.....	1,880 20
1189	Howry, Lewis	310 00	.....	310 00
12054	Hughes, Enoch M.	203 00	162 50	40 50
4272	Humphries, Richard	120 00	100 00	20 00
10672	Hunter, James N.	2,597 00	.....	2,597 00
1446	Hunt, Frances M.	1,400 00	.....	1,400 00
5772	Hurt, Benjamin F.	2,415 00	.....	2,415 00
8494	Hurt, Fannie M.	1,305 00	.....	1,305 00
13447	Ingram, David J.	150 00	.....	150 00
13450	Inman, Alexander	150 00	100 00	50 00
1074	Jackson, administrator of A. G.	1,504 70	747 70	757 00
13841	Jackson, John H.	245 00	140 00	105 00
4404	Jacobs, Elizabeth	443 75	.....	443 75
12830	Jefferson, Richard	100 00	100 00	.....
2042	Jennings, D. F.	340 00	200 00	140 00
863	Jernigan, Mary E.	1,500 00	.....	1,500 00
13494	Johnson, Lewis F.	390 00	160 00	230 00
1246	Johnson, Luther M.	630 00	.....	630 00
2687	Johnson, Sarah	250 00	150 00	100 00
4882	Johnson, George W.	494 80	.....	494 80
4435	Johnson, William F.	809 55	557 55	252 00
13487	Jones, John D.	166 50	45 25	121 25
13488	Jones, Joseph	355 00	265 00	90 00
5963	Jones, Turner	1,148 00	.....	1,148 00
12148	Jones, William	90 00	90 00	.....
13489	Jones, William R.	275 00	125 00	150 00
8009	Jordan, Samuel B.	557 00	352 00	205 00
12714	Joyner, G. D.	80 00	.....	80 00
4437	Julian, Solomon	200 00	125 00	75 00
13414	Kean, Gilbert P.	135 00	100 00	35 00
12713	Keith, George W.	412 80	249 00	163 80
12202	Keith, Moses M.	1,260 00	.....	1,260 00
7595	Kelly, Peter	912 00	.....	912 00
1872	Kelsoe, Nancy J.	174 22	60 10	114 12
9961	Kennedy, William L.	403 00	115 00	288 00
5473	Kenner, Leroy S.	300 00	225 00	75 00
5290	Kenner, W. D.	595 50	412 50	183 00
8657	Kenney, Benjamin	665 00	.....	665 00
13842	Kimbrough, John M.	440 98	.....	440 98
2688	King, Jeremiah	150 00	100 00	50 00
4431	Knegh, Charles, sr.	725 00	360 00	365 00
10665	Knight, administrator of William	1,670 40	.....	1,670 40
4031	Knott, Andrew	482 50	50 00	432 50
12356	Knox, James	120 00	.....	120 00
3262	Konno, John	2,704 00	.....	2,704 00
4168	Kreis, Diedrick	60 00	25 00	35 00
9439	Kriss, John	125 00	.....	125 00
6095	Lacy, Hugh R.	600 00	150 00	450 00
13495	Lane, Edward R.	516 00	398 00	118 00
14128	Langham, Ransom	1,859 50	.....	1,859 50
8658	Lannier, William B.	840 00	.....	840 00
3213	Larkin, John	450 00	.....	450 00
1777	Lassiter, Hance	125 00	.....	125 00
13483	Lee, Ephraim	175 00	107 50	67 50
4211	Leck, Thomas	722 00	125 00	597 00
12078	Leeper, William R.	636 00	410 00	226 00
12167	Lennon, Rebecca	320 25	254 50	65 75
4803	Lipscomb, Jane L.	2,428 00	.....	2,428 00
10675	Littlepage, Mary J.	480 00	.....	480 00
11060	Long, Philip	150 00	100 00	50 00
4772	Lord, Esther	293 00	.....	293 00
7883	Lynn, Amelia	691 80	.....	691 80
2830	McCall, Henry	150 00	.....	150 00
9571	McCaslin, William H.	550 00	260 00	310 00
5720	McCauley, administrator of Thomas	231 15	85 00	146 15
13844	McClung, John	150 00	.....	150 00
11898	McConnell, James	762 50	.....	762 50
12154	McCuistion, Samuel S.	522 00	.....	522 00
13845	McDermott, Thomas	265 00	200 00	65 00
3025	McEwen, Clarissa	5,696 00	.....	5,696 00
8071	McGregor, Mary E. O.	730 00	.....	730 00
3466	McKenna, Robert, and wife	8,509 66	2,565 00	5,944 66

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
5548	McKinney, James P	$300 00		$300 00
4891	McMurray, Margaret	276 00	$184 00	92 00
4910	McPherson, William H	828 00	110 00	718 00
12166	McSpadden, Marshall W	1,560 00	746 50	813 50
12147	McSpadden, Samuel	735 00	375 00	360 00
13846	Magill, Nathaniel	150 00	100 00	50 00
11841	Mahan, James	840 00	300 00	540 00
3209	Mansfield, John	405 00	320 00	85 00
1551	Marcrum, Henry	150 00		150 00
5526	Martin, Mrs. Martha L	200 00	125 00	75 00
3463	Mason, James T	1,584 00		1,584 00
13486	Matthews, Joseph	325 00	114 75	210 25
9327	Maxwell, Robert W	125 00	100 00	25 00
8660	Medlin, Gray B	350 00		350 00
12168	Meek, Marcus D	1,105 00	412 00	693 00
8712	Mendenhall, Joseph R	931 50	202 00	729 50
7884	Miller, John	252 00		252 00
189	Millings, James	7,900 00		7,900 00
14660	Minshead, Caroline	2,925 00	875 00	2,050 00
9288	Minton, John	285 00	208 00	77 00
3545	Moffitt, James	1,000 00		1,000 00
1473	Molitor, Francis	1,525 00		1,525 00
7873	Moody, Thomas B	690 00		690 00
8433	Moore, Jane S	2,448 50		2,448 50
5851	Moore, Susannah A	350 00		350 00
3628	Morgan, W. H. T	155 00	135 00	20 00
12343	Mort, John	1,327 45	532 60	794 85
7875	Morton, Mrs Jane	2,988 75	1,344 75	1,644 00
1776	Murray, W. W	300 00		300 00
8661	Nail, John	165 00		165 00
17405	Nave, John H	711 00	489 00	222 00
12159	Neston, John W	1,318 00	824 70	493 30
7647	Newman, Alexander A	300 00	250 00	50 00
10667	Newton, Lytle	4,004 60		4,004 60
8407	Oakley, Stanford P	155 00		155 00
11307	O'Brien, B. M. G	875 00	875 00	
8473	Olive, Howell	650 00	400 00	250 00
5892	Oliver, John W	300 00		300 00
8074	O'Neill, James H	1,569 00	260 00	1,309 00
11722	Orten, James	750 00	470 00	280 00
6563	Parker, James C	750 00		750 00
2091	Parker, Nathan	200 00	120 00	80 00
2680	Pearson, Peter	935 00	500 00	435 00
4531	Pearson, Shadrach	625 00	280 00	345 00
11214	Penn, Lutisha B	1,600 00		1,600 00
3642	Peregoy, John P	615 00	400 00	215 00
6796	Perkings, George G	350 00	240 00	110 00
8859	Perkins, Nicholas F., jr	150 00		150 00
11507	Peyton, Badie	2,975 00	2,355 00	620 00
8482	Plischke, Augustine	1,245 00		1,245 00
10622	Porter, Harvey H	289 00		289 00
5404	Porter, Madison	2,800 50		2,800 50
1563	Priddy, James M	530 00		530 00
1132	Price, John	300 00		300 00
1592	Pritchard, John H	125 00	125 00	
13579	Putnam, John R	350 00	240 00	110 00
8688	Rankin, Josiah E	273 60	93 60	180 00
8663	Read, William B	817 50		817 50
13843	Redman, administrator of John	390 00	215 00	175 00
822	Redman, Martin F	300 00	200 00	100 00
1564	Reed, William	285 00	90 50	194 50
13216	Rhea, William	270 00	100 00	170 00
5558	Rhodes, John M	278 00	233 00	45 00
8664	Rhodes, Richard V	175 00	125 00	50 00
5321	Rich, George W	677 00	513 00	164 00
4894	Rich, Josiah N	460 00	360 00	100 00
2315	Roach, Eaton	732 00	382 00	350 00
5114	Robbins, administrator of William	216 00	216 00	
1659	Roberts, administrator of John D	800 00		800 00
6589	Robinson, Monroe	2,226 25		2,226 25
6341	Roland, Luke	912 00	357 00	555 00
12268	Rosamon, John W	84 40		84 40
5632	Rust, George B	415 00		415 00
4767	Rust, Isaac	2,165 00		2,165 00
5969	Sample, William	397 50	153 50	244 00
1070	Scanlon, Elizabeth M	580 50	350 00	230 50
1356	Schimmler, John	1,200 00	600 00	600 00
6594	Scott, Adam	275 00	90 00	185 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
2740	Scott, Albert	$1,480 00		$1,480 00
1133	Scott, Julian F	452 50	$406 00	46 50
1660	Scrogner, Thomas	2,265 00	1,125 00	1,140 00
13848	Scruggs, administrator of John	1,930 80		1,930 80
4433	Seawright, Nancy	810 73		810 73
1567	Sellers, Hardy S	225 00		225 00
8079	Settle, Sarah P	3,035 00	1,635 50	1,399 50
3524	Sexton, Richard	388 00		388 00
13707	Shaddon, Elisha M	1,808 00		1,808 00
10461	Shannon, administrator of H. P	1,600 50		1,600 50
5971	Shannon, James D	118 50	93 50	25 00
8466	Shilton, Isaac R	2,020 00	1,425 00	595 00
12295	Simmons, administrator of George	2,985 00		2,985 00
1488	Simms, Parris L	1,303 50		1,303 50
4037	Simpson, D. L	632 00		632 00
13445	Simpson, Sanford C	318 25	100 25	218 00
12158	Slayton, Thomas	238 00	168 50	69 50
2782	Smith, administrator of Adam	385 00		385 00
4535	Smith, A. H	1,020 00		1,020 00
12587	Smith, Frederick	90 00		90 00
2696	Smith, John W	159 12		159 12
10706	Smith, Robert	1,110 00		1,110 00
4536	Smith, Thomas J	300 00		300 00
2694	Sneed, John	462 50	132 50	330 00
12155	Snodgrass, Allen W	157 00		157 00
3464	Somerville, Thomas T	2,729 50		2,729 50
10766	Spah, Fidel	1,005 00		1,005 00
2693	Sparks, Isaac	331 00	80 50	250 50
9012	Speed, Joseph F	200 00	150 00	50 00
1568	Spellings, James S	275 00		275 00
8666	Spencer, C	270 00	60 00	210 00
1573	Springer, Hosea	295 00		295 00
12712	Staples, administrator of B. F	297 20	297 20	
5708	Stevens, Marshall	2,478 00		2,478 00
4711	Stone, Oliver	250 00		250 00
7907	Stones, Mrs. W. E	1,577 00		1,577 00
1274	Street, Park	1,742 00		1,742 00
12711	Summers, William	470 00	350 00	120 08
6430	Sumner, William	755 00	600 00	155 00
6767	Sweeney, Pyrene C	1,562 50		1,562 50
8176	Talley, Robert	325 00		325 00
4381	Taylor, Henry L	580 00		580 00
9477	Taylor, Hugh B	200 00		200 00
4896	Taylor, John L	1,850 00		1,850 00
2697	Teague, Jasper N	178 00	178 00	
8752	Terry, William	407 50		407 50
6593	Thomas, Elam F	502 50		502 50
13451	Thompson, Harvey	341 00	151 00	190 00
5563	Threadgill, Allen J	300 00	180 00	120 00
1575	Tosh, L. M	177 27		177 27
6151	Tucker, Edward J	2,142 00		2,142 00
7845	Turner, Ransom B. and Wilmath E	140 00		140 00
9478	Utley, Alexander	2,063 25		2,063 25
12224	Van Dyke, Henry	164 00	14 00	150 00
12164	Van Whoser, Sampson	272 00	140 00	132 00
4438	Varner, David	195 00	118 00	77 00
1354	Waggoner, Cornelius	2,820 00	2,100 00	720 00
9093	Wair, William K	485 00		485 00
4540	Walker, E. M	475 00		475 00
5396	Ware, Jane M	1,637 00		1,637 00
1577	Watson, John G	264 00	66 84	197 16
13484	Wayman Charles	175 00	175 00	
7805	Wester, James L	191 00	126 00	65 00
1581	Whitehorn, Joseph N	216 00	43 00	173 00
4541	White, Oliver P	250 00		250 00
4395	Williams, administrator of John	1,694 00	1,200 00	494 00
8177	Williams, David P	200 00	120 00	80 00
14129	Williams, John S	2,065 00		2,065 00
	Williamson, Leonora	82,185 00	19,250 00	62,935 00
1675	Willingham, Thomas J	400 00		400 00
1582	Wilson, David	165 00		165 00
13180	Wilson, John	300 00		300 00
9126	Wilson, Richard	185 00	100 00	85 00
3405	Wood, James E	450 00		450 00
4058	Woods, Montgomery	405 65		405 65
5977	Worthy, George	270 00		270 00
5978	Worthy, J. H	1,006 00		1,006 00
1584	Wright, P. G	375 00	150 00	225 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
4057	Wright, Sarah	$2,400 00	.....	$2,400 00
6640	Yoakum, George	223 00	$223 00	.....
4542	Young, B. J	2,165 05	.....	2,165 05
12344	Zerkel, Reuben	1,780 25	346 60	1,433 65
9438	Zobrist, Bernhard	220 00	30 00	190 00
	TEXAS.			
4270	Bauer, Catherine	1,000 00	350 00	650 00
4271	Brown, James H	3,000 00	.....	3,000 00
2268	Hogan, William	4,180 00	.....	4,180 00
948	McDonald, John	2,500 00	.....	2,500 00
14584	Plummer, Goen W	4,967 00	2,125 00	2,842 00
4274	Straube, Anton	1,000 00	.....	1,000 00
2944	Vance, John	736 32	541 86	194 46
949	Wagner, August	1,000 00	100 00	900 00
7906	Wilkins, Henry	540 62	200 00	340 62
	VIRGINIA.			
7659	Abbott, William K	436 00	.....	436 00
3432	Adams, Felitia	1,070 00	.....	1,070 00
4603	Akers, Osker	175 00	.....	175 00
8409	Alexander, John	9,254 50	.....	9,254 50
4554	Alley, Crawford	600 00	390 00	210 00
2637	Almond, John F	1,669 00	1,216 00	453 00
7959	Ambrose, Sarah	429 50	.....	429 50
1725	Anderson, Richard	551 00	.....	551 00
2133	Anderson, Alexander	712 50	175 00	537 50
10180	Andrews, William	125 00	60 00	65 00
1377	Archart, George L	160 00	.....	160 00
5245	Argyle, T. K	680 00	.....	680 00
3798	Akin, administrator of Albert M	54,186 00	.....	54,186 00
30	Amiss, Hiram L	1,723 00	775 00	948 00
2759	Bramblee, Miles	1,173 20	391 00	782 20
1482	Bacher, Antiony W	795 00	290 00	505 00
7585	Bailey, Parke	333 50	216 75	116 75
4778	Bailey, Harvey	3,831 00	1,097 00	2,734 00
7071	Baker, Mary	646 25	.....	646 25
2527	Baker, Daniel	1,112 40	703 00	409 40
5087	Baker, Thomas, of Nansemond	320 00	240 00	80 00
2512	Baker, Thomas, of Shenandoah	378 12	330 37	47 75
2051	Barber, George	1,149 99	420 33	729 66
4508	Barker, William	178 00	100 00	78 00
9925	Barlow, James P	295 00	210 00	85 00
1115	Bartley, Oliver	915 00	.....	915 00
9440	Basham, administrator of Nathan	125 00	100 00	25 00
410	Battley, George W	2,394 54	.....	2,394 54
3166	Beans, administrator of William H. H	902 58	166 64	735 94
460	Beans, Isaiah B	2,161 00	.....	2,161 00
8306	Brown, John	844 00	75 00	769 00
8942	Beery, Solomon	325 00	.....	325 00
4463	Bell, Daniel	1,543 00	440 00	1,103 00
8945	Billhimer, Isaac G	241 50	.....	241 50
1184	Birch, Isaac	1,860 00	203 00	1,657 00
1904	Birdsall, Benjamin	490 00	490 00	.....
1903	Birdsall, administratrix of Benjamin, jr	742 80	496 00	246 80
6136	Bishop, A. J	2,490 00	1,680 00	810 00
8410	Bitzer, James H	3,736 50	.....	3,736 50
5550	Blackmore, William F	453 75	334 00	119 75
6304	Bland, Peter R	287 75	.....	287 75
11833	Blick, Adelina T	5,424 00	.....	5,424 00
6911	Bonner, Robert	374 00	235 00	139 00
6913	Bonner, John	217 00	145 00	72 00
6915	Bonner, Jerry	236 75	95 00	141 75
12672	Booth, Susan	1,445 00	.....	1,445 00
4725	Borden, Joseph, sr	223 00	.....	223 00
10524	Boston, William Henry	350 00	165 00	185 00
393	Boswell, Charles	2,803 50	.....	2,803 50
1962	Bowman, John	162 50	112 50	50 00
7983	Bowman, Joseph	910 50	.....	910 50
7877	Bowman, Benjamin	923 00	.....	923 00
813	Boxley, administrator of Silas	1,655 50	.....	1,655 50
5063	Bradshaw, Willis	1,620 00	.....	1,620 00
3433	Brooks, Peter	500 00	260 00	240 00
167	Brooks, Jacob	1,767 40	991 00	776 40
6710	Brown, Samuel	474 00	312 00	162 00
6706	Brown, Major M	120 00	77 50	42 50

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
8083	Brown, William and John A	$1,248 00	$775 00	$473 00
6470	Brown, Oscar D	309 00	151 00	158 00
5246	Brown, administratrix of T. R	454 25	370 00	84 25
7850	Bowman, Daniel	654 00	555 00	99 00
6137	Brown, Crawford C	360 00	265 00	95 00
2566	Brubeck, Philip	820 00	.....	820 00
260	Bryan, Thomas M	1,276 61	573 50	703 11
2122	Bryant, Jesse L	1,505 00	.....	1,505 00
10530	Bryan, Lander C	150 00	.....	150 00
2760	Bryce, executor of Matthew	595 42	330 00	265 42
6893	Buchanan, John R	175 00	.....	175 00
6892	Buchanan, David	350 00	.....	350 00
9293	Bumgardner, John	210 00	.....	210 00
11596	Brubaker, Benjamin	400 00	.....	400 00
11595	Brubaker, Elias	525 00	.....	525 00
5360	Burgess, James H	475 00	.....	475 00
3229	Burging, Christian	2,975 00	.....	2,975 00
458	Bush, John C	600 00	165 00	435 00
457	Butts, Oliver G	800 00	.....	800 00
2028	Bell, Gilbert, and John Mears	1,200 00	1,000 00	200 00
3406	Beemer, John W	3,713 00	1,836 50	1,876 50
10332	Bowen, James J	1,605 80	825 00	780 80
1726	Calbreath, Thomas	2,722 00	1,195 00	1,527 00
24	Canada, Guilford	550 00	.....	550 00
1113	Carpenter, Mary F	27,231 00	4,978 00	22,253 00
9154	Carpenter, Mrs. M. H	5,050 00	1,600 00	3,450 00
4782	Cauter, Isaac W	1,125 00	.....	1,125 00
1386	Carwell, J. B	225 00	.....	225 00
13899	Cathcart, Annie R	4,473 00	819 00	3,654 00
8940	Cave, Willis	175 00	115 00	60 00
964	Caywood, Benjamin	1,371 00	816 50	554 50
4557	Chadick, William T	2,952 00	.....	2,952 00
9895	Champlin, J. C	82 50	82 50	.....
8241	Chrisman, Crockett	412 50	.....	412 50
6715	Chutkowski, Ignatius T	12,085 00	1,878 00	10,207 00
1963	Clark, Eliza A	755 00	.....	755 00
8632	Clark, Thomas	34,985 00	5,105 00	29,880 00
8169	Clark, Robert	1,822 50	890 00	932 50
9000	Clay, Peter F	733 00	.....	733 00
397	Clendenning, Samuel, senior	111 83	111 83	.....
12234	Cleaveland, William	2,977 50	1,185 00	1,792 50
952	Cochran, George L	480 00	.....	480 00
2512	Coffman, Rebecca	170 00	145 00	25 00
10814	Coleman, James	846 50	152 50	694 00
2492	Coleman, Robert G	4,455 00	.....	4,455 00
642	Colvin, John N	6,559 50	1,362 50	5,197 00
5382	Cooksey, Sanford W	1,511 00	.....	1,511 00
459	Cooper of John, George	670 00	.....	670 00
6267	Cooper, John	175 00	.....	175 00
12468	Copeland, Sarah A	1,155 50	.....	1,155 50
2518	Copp, Samuel	590 28	.....	590 28
1041	Copp, Philip	163 00	.....	163 00
2301	Corbett, Sewell B	3,939 99	3,039 99	900 00
7844	Corbett, Cooper	16,079 37	4,270 00	11,809 37
6471	Cotman, Thomas	125 00	125 00	.....
3991	Counts, Linick	515 28	332 50	182 78
13131	Cowling, Mary	695 00	225 00	470 00
305	Cox, James	3,975 00	.....	3,975 00
99	Cox, George S	2,145 00	1,019 00	1,126 00
13815	Craft, administratrix of William T	216 00	.....	216 00
7648	Craig, Walton	333 00	.....	333 00
8667	Craigen, Jacob I	22,974 50	2,187 00	20,787 50
8943	Craun, Joseph H	125 00	.....	125 00
8944	Craun, George	422 50	.....	422 50
10525	Crocker, Jonathan D	1,623 75	450 00	1,173 75
4441	Cumberland Coal and Iron Company	1,509 00	.....	1,509 00
10154	Custer, executors of Jacob	2,884 00	695 00	2,189 00
13712	Carey, George	300 00	250 00	50 00
17145	Carey, Richard	70 00	70 00	.....
6313	Carhart, William E	1,911 00	.....	1,911 00
409	Clark, Peter	360 00	.....	300 00
76	Dangerfield, Sigismund	600 00	200 00	400 00
2145	Davis, James F	150 00	.....	150 00
3299	Davis, Matthew	350 00	.....	350 00
11691	Dawson, Thomas B	3,360 00	1,276 00	2,084 00
11452	Demasters, Henry	270 00	.....	270 00
5288	Detwiler, John L	845 00	215 00	630 00
4509	Dixon, William	150 00	.....	150 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
2138	Dixon, John W	$962 50	$5 0 00	$462 50
8854	Donaldson, Robert H	1,080 00	244 25	835 75
8155	Driver, John W	1,397 40	.....	1,397 40
10348	Duke, Parker	200 00	.....	200 00
9081	Dulaney, Daniel F	1,410 00	660 00	750 00
5442	Dunn, Fanny E	2,990 00	.....	2,990 00
4040	Dyer, Robert	718 56	324 00	392 96
791	Davis, Alexander G	1,264 00	1,118 00	146 00
8029	Dawes, David	493 00	333 00	160 00
13911	Dixon, Solomon	377 50	220 00	157 50
11341	Duble, Aaron	3,295 12	2,061 50	1,233 62
6477	Elinger, Peter	286 50	.....	286 50
1382	Endelman, John	1,262 00	.....	1,262 00
11000	Everhart, Edwin S	810 00	420 00	390 00
8954	Eaches, Delilah	944 30	673 30	271 00
8337	Early, Abraham	536 25	.....	536 25
8338	Early, administratrix of Joseph	2,610 86	.....	2,610 86
11039	Edwards, Elizabeth	1,205 00	460 00	745 00
14143	Eller, Abraham	90 00	.....	90 00
9751	Ellison, William H	800 00	336 00	464 00
14398	Epperly, Jacob C	200 00	.....	200 00
3434	Essex, Victoria E	400 00	.....	400 00
7634	Etheridge, India V	3,0 0 00	.....	3,000 00
2576	Evers, George W. M	265 00	.....	265 00
8938	Evers, John	200 00	.....	200 00
7594	Farley, Helen T	1,937 00	.....	1,937 00
1816	Fauber, Harrison	482 62	.....	482 62
2819	Fauber, Valentine	329 50	.....	329 50
1383	Fauver, John B	238 00	.....	238 00
52	Febrey, John E	7,720 00	.....	7,720 00
3230	Fenwick, Thomas	350 00	.....	350 00
14144	Ferguson, John B	308 00	.....	308 00
4733	Fetzer, Samuel	788 25	.....	788 25
3003	Field, Ira	815 00	405 00	410 00
4470	Fisher, James H	1,683 75	1,209 00	474 75
2136	Fishburn, Daniel	1,105 50	.....	1,105 50
7011	Fix, Adam	180 00	.....	180 00
1607	Flagler, Albert	3,202 50	1,252 50	1,950 00
1468	Fletcher, William	3,739 00	.....	3,739 00
5443	Fornshill, John	823 50	.....	823 50
6337	Ford, Carter	220 00	220 00	.....
2154	Foulke, Andrew	354 75	200 00	154 75
690	Fonshee, John C	394 00	237 00	157 00
11126	Francis, William	730 00	.....	730 00
211	Francis, Emanuel	1,878 05	921 87	956 18
13311	Freeman, Stephen	2,961 00	.....	2,961 00
2952	Funkhouser, Abraham	390 00	.....	390 00
2820	Funkhouser, John H	437 25	.....	437 25
5710	Furr, George W	140 00	.....	140 00
1695	Fitzhugh, Henry	75,965 50	.....	75,965 50
2900	Funkhouser, Noah M	2,128 00	.....	2,128 00
10881	Gale, Alfred	740 00	325 00	415 00
8029	Garber, David	2,995 00	.....	2,995 00
2505	Garber, Reuben A	300 00	.....	300 00
2508	Garber, Samuel	445 00	.....	445 00
11055	Gardiner, Albert G	3,365 00	859 00	2,506 00
728	Garner, William A	399 00	200 00	199 00
14168	Garst, Noah P	500 00	.....	500 00
11298	Gaskins, Thomas	792 00	410 00	382 00
11299	Gaskins, Susan, (heirs of)	893 75	303 75	590 00
600	Gerhardt, Christopher	11,560 75	.....	11,560 75
7264	Gilbert, Thomas J	120 90	.....	120 90
8243	Gilmer, David	490 50	360 50	130 00
1441	Gilmore, Samuel	450 00	.....	450 00
1442	Ginn, George W	2,352 00	1,334 00	1,018 00
14946	Glascock, William D	2,363 00	.....	2,363 00
2562	Glick, Samuel	320 00	.....	320 00
2731	Gomer, Thomas	200 00	.....	200 00
578	Goodloe, Benton H	2,672 00	.....	2,672 00
9186	Gordon, Ella V	5,070 00	.....	5,070 00
1082	Gray, John T	910 00	.....	910 00
2946	Gregsby, Cassandra	182 00	.....	182 00
8028	Garber, Solomon	1,146 50	714 80	431 70
5289	Gallcher, William J	529 75	62 25	467 50
13713	Gaskins, Bartley	55 00	.....	55 00
1293	Haight, Alexander	3,370 00	1,416 00	1,954 00
5092	Haines, Edward B	2,689 70	1,441 00	1,248 70
11669	Hall, Mary A	26,981 33	2,175 95	24,805 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
8230	Harless, Allen	$208 00		$208 00
242	Harris, George	2,900 00	$1,195 00	1,705 00
7739	Harris, Obed	375 00	260 00	115 00
7738	Harris, Jesse	690 00	390 00	300 00
8443	Hatcher, William	250 00		250 00
11594	Hayes, Elvira	1,017 75		1,017 75
12496	Heater, John	3,235 10		5,235 10
447	Hickman, administrator of George	719 00	108 00	611 00
5247	Hicks, Cassandra C	1,651 00		1,651 00
8609	Hill, Robert	227 45	132 00	95 45
6912	Hill, Willis P	303 00	100 00	203 00
9128	Hill, Gabriel	165 90	136 90	29 00
9804	Hill, James M	343 50	180 00	163 50
8340	Hinegarner, Nancy	854 90	398 40	456 50
7646	Hockman, Isaac	435 25		437 25
2426	Hockman, Noah	400 50		400 50
4720	Hockman, John	915 00		915 00
4728	Hockman, Michael	628 55		628 55
13702	Hodges, William	200 00		200 00
12091	Holland, Wiley	390 00	125 00	265 00
12508	Holland, Jacob	846 00	130 00	716 00
7038	Holland, Ahab	875 50	230 00	645 50
2124	Holt, Samuel P	656 50		656 50
2360	Hopkins, Charles A	175 00		175 00
2361	Hopkins, John H	182 00		182 00
2362	Hopkins, William	107 25		107 25
214	Hornbaker, John R	550 00		550 00
870	Horne, Isaac	811 33		811 33
174	Hough, William	675 00		675 00
448	Householder, Gideon	889 00	384 00	505 00
2718	Howard, Charles T	114 80	114 80	
7586	Howell, John	1,194 87	493 00	701 87
440	Howser, Richard	14,504 00		14,504 00
390	Hudnell, Drayton	1,090 00	575 00	515 00
8533	Huff, Daniel	242 50		242 50
353	Huff, Harrison	130 00		130 00
13067	Hughes, administrators of Thomas	450 00	450 00	
2724	Humbert, Jacob L	450 00		450 00
8334	Hunter, Sawney	201 50	121 50	80 00
1858	Huyett, Henry	5,007 00		5,007 00
4724	Hyde, Joseph	547 00	482 00	65 00
2065	Hall, Thomas B	575 00		575 00
10196	Hardesty, Isaac	442 50		442 50
13177	Hoage, administrator of S. J	2,104 55	1,256 00	848 55
16857	Harrison, Samuel J	260 00	145 00	115 00
4723	Hottel, John T	747 00		747 00
1728	Hulvey, Ephraim	562 00	400 00	162 00
9289	Hunter, Lavinia G	1,600 00	800 00	800 00
12300	Ives, Mary	424 00	313 00	111 00
12011	Ikenberry, Benjamin	140 00		140 00
12473	Jackson, Walter	909 25	498 40	410 85
3098	Jackson, Alexander	295 00	255 00	40 00
2827	Jacobs, John	1,465 90		1,465 90
3237	James, Aldridge	11,657 00	5,658 20	5,998 80
4759	Jameson, George W	10,875 00		10,875 00
1247	Janney, James C	750 48	650 48	100 00
9183	Jett, John	9,935 00		9,935 00
14405	Jewell, William	150 00		150 00
3227	Jones, William	1,866 00	583 50	1,282 50
8860	Jones, Robert	193 00	140 00	53 00
1046	Johnson, John	330 55	125 00	205 55
10195	Johnson, Robert	1,951 50	394 00	1,557 50
6339	Johnson, Lewis	1,335 00		1,335 00
10699	Johnson, Ray	535 50	460 50	75 00
3300	Johnson, John, of Smythe County	273 00		273 00
179	Junell, Francis	160 00		160 00
1486	James, Mahlon	574 54	416 40	158 14
2918	Johnson, Mildred M	700 00	400 00	300 00
12704	Jenks, heirs of William	2,904 16	1,161 00	1,743 16
1122	Kalb, J. G. R	130 92	130 92	
449	Karn, Michael	288 00	204 00	84 00
452	Karn, administrator of Jacob	2,600 50	740 00	1,860 50
4213	Keene, Richard	175 00	125 00	50 00
7367	Keiser, John K	1,366 00		1,366 00
8469	Kelly, John	518 50		518 50
9431	Kenney, John	388 50	350 00	38 50
564	Kent, Horace L	29,377 28		29,377 28
12020	Kent, John	614 00		614 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
3308	Kesner, Philip	$800 00	$545 00	$255 00
11770	Kessler, John	144 00		144 00
5444	Keys, James	150 00		150 00
8157	Kline, Michael B. E.	618 00		618 00
962	Kline, Mary A	788 50	441 25	347 25
2583	Kline, Frederick M	133 00	100 00	33 00
2503	Kline, Christian	555 00		555 00
8242	Kyger, Nicholas	250 00		250 00
8468	Kline, Samuel	676 00	433 00	243 00
11115	Kipp, administrator of Ezra	13,842 32	2,746 00	11,096 32
1295	Kendall, Claiborne	4,089 50	732 00	3,357 50
13716	Lee, Susan A	50 00	25 00	25 00
1273	Lacey, W. B. (See Charles A. Ware.)			
3241	Lain, Ira	2,650 00	845 00	1,805 00
2004	Lavery, William	848 75		848 75
12371	Lawrence, Sarah E	1,310 00	450 00	860 00
8957	Leay, C. R. F.	2,972 50	485 00	2,487 50
6340	Lee, John	842 50	430 00	412 50
1230	Leslie, John	20,320 00		20,320 00
1704	Lewis, William	558 70	130 00	428 70
1805	Lewis, Betsy	415 00	235 00	180 00
1300	Lindsey, John T	2,891 33	2,255 00	636 33
5445	Loehr, George P	2,906 50		2,906 50
992	Lohman, John L	870 00	310 00	560 00
8958	Loving, Samuel B. R.	947 00		947 00
4726	Loyde, Samuel	384 70		384 70
7647	Lutz, Alexander	771 50		771 50
2761	Le Fevre, Sarah E	457 00	204 00	253 00
2514	Long, Isaac	1,591 50	858 00	733 50
3646	McCormick, Margaret A	664 25		664 25
1857	McCormick, James	3,543 00	2,040 00	1,503 00
128	Madden, Willis	2,441 15	879 00	1,562 15
3094	Marsteller, Mrs. Elise	7,096 00		7,096 00
2302	Mason, John H	990 00	385 00	605 00
149	Massy, Daniel	276 60	165 90	110 70
607	Matthews, William W	1,328 75		1,328 75
11125	Miller, John G	3,666 00	1,224 00	2,442 00
8877	Miller, Mary A	150 00		150 00
8084	Miller, Isaiah	221 00	126 00	95 00
8365	Miller, Abraham	2,925 00		2,925 00
2541	Miller, Daniel	140 00		140 00
15469	Moffett, Hays	748 00		748 00
1678	Money, Lawson	1,502 75		1,502 75
14145	Mooman, J. C	170 00		170 00
2126	Morgan, Louisa J	1,422 00		1,422 00
4927	Morgan, Verlin	125 00		125 00
3301	Morgan, Henry Lewis	150 00		150 00
14406	Morricle, Samuel	135 00		135 00
11613	Morson, Hugh	13,461 50	7,067 00	6,394 50
4501	Mosby, Thomas Y	2,800 00		2,800 00
8095	Mosby, Elizabeth F	525 00		525 00
3364	Mulholland, Patrick, John, and Peter	1,356 00		1,356 00
3049	Murray, John F	2,565 00	652 00	1,913 00
9678	Murray, John	870 00	248 00	622 00
3303	Musselwhite, Worley	125 00		125 00
8197	Myers, Samuel H	962 78		962 78
1608	Myers, Jacob, of Loudoun County	212 00	162 00	50 00
2537	Myers, Jacob, of Augusta County	460 00		460 00
13912	McKie, Rhodan	521 00	335 00	186 00
1919	McKerichar, Alexander	1,180 00	300 00	880 00
993	Munson, administrator of T. B	7,520 00	2,325 00	5,195 00
1387	Mish, Henry	3,545 00		3,545 00
1279	Nichols, Samuel H	550 00	388 00	162 00
4917	Nicholans, Elizabeth J	416 93		416 93
4902	North, John	308 00	206 00	102 00
3752	Nourse, Alfred W. and Ella J., and Emma L. Galpin	320 00	320 00	
14146	Oliver, Julius	150 00		150 00
1936	Oliver, James	383 25	263 50	119 75
2365	Osgood, Amos D	750 00	200 00	550 00
2498	Ostrander, E. C	2,249 25		2,249 50
5599	Palmer, David P	1,769 40	640 00	1,129 40
6914	Parham, Thomas	555 00	184 00	371 00
762	Parsons, Mildred, Maria, and Sophia	1,600 00		1,600 00
11434	Payne, Charles W	607 50	150 00	457 50
10940	Peacock, Albert	252 50	202 50	50 00
12090	Pearce, James	280 00	115 00	165 00
7587	Pearman, Thomas	755 25	427 25	328 00
1679	Pearson, Phillis, William, Charles, John, and Joshua	445 00		445 00
1994	Peden, John	1,970 87	987 50	983 37

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
1981	Perkins, Peter P	$175 00		$175 00
1449	Peterson, Eli	250 00	$200 00	50 00
4903	Pettigrew, James W	1,569 90		1,569 90
11254	Peyton, Mary A., *et al*	8,275 00	2,180 00	6,095 00
3437	Phillips, Samuel C	473 00	310 00	163 00
1588	Pierpoint, John W	300 00	250 00	50 00
1587	Piggott, Hannah J	300 00	225 00	75 00
11459	Pingley, James A	757 00	262 00	495 00
3307	Pippin, Elisha	500 00		500 00
2721	Pitkin, George	1,225 20	1,225 20	
13907	Poage, Elijah	882 50		882 50
6903	Post, Emily F	3,000 00	600 00	2,400 00
11048	Potts, Jonas	288 00		288 00
4601	Prater, administrator of Carrington	325 00		325 00
11482	Preston, Edward T	3,949 00		3,949 00
407	Price, administratrix of Asa	980 00	630 00	350 00
6901	Price, John D	300 00		300 00
6902	Price, John	470 00		470 00
1993	Pulman, Samuel	2,268 00	1,342 00	926 00
11110	Pursel, Enos	187 50	140 00	47 50
11587	Purvis, James M	610 00		610 00
12956	Reed, administratrix of J. D	4,990 15	2,250 00	2,740 15
13310	Read, Coleman	2,690 00		2,690 00
11468	Read, William C	360 00		360 00
11327	Reather, Robert	2,450 00	620 00	1,830 00
4739	Reedy, David	125 00		125 00
17473	Rees, Elias	1,750 00	369 09	1,380 91
12507	Reid, Dempsey	1,184 00	421 00	763 00
12087	Reid, John Q. A	590 00	200 00	390 00
6649	Richardson, Mary A	556 00	207 00	349 00
11302	Richmond, Perez	200 00	100 00	100 00
9442	Ridinger, Amos	100 00		100 00
11771	Rieley, George	2,134 25		2,134 25
11880	Riker, Alfred	470 00	188 00	282 00
14331	Rimmer, Joseph S	150 00		150 00
2570	Ritchie, Jacob	230 00		230 00
165	Roberts, George W	639 87	384 00	255 87
946	Robertson, A. H	225 00		225 00
2722	Robertson, Bailey	707 84	292 50	415 34
3476	Robey, Gabriel A	371 60		371 60
3310	Rose, J. D. & J. M	215 00		215 00
1428	Rosebery, Michael M	11,435 30	5,629 50	5,805 80
2160	Rowley, William S	928 00	280 00	648 00
8602	Roy, Harry	835 00	740 00	95 00
5729	Rickard, Asher W	147 75		147 75
1042	Rickard, John	1,074 25		1,074 25
1044	Rickard, Abraham	280 00		280 00
3263	Rickard, Isaac and Jacob	2,585 75	2,104 25	481 50
1043	Rickard, administratrix of David	346 50	346 50	
14134	Reed, William	265 00	200 00	65 00
241	Robinson, James	2,608 00	1,249 00	1,359 00
8278	Sandy, Silas	100 50		100 50
6904	Sansebaugh, David	250 00		250 00
11876	Sawyer, Matthew	230 00	115 00	115 00
9975	Sawyer, Lemuel J	350 00	150 00	200 00
13326	Scott, Jacob	200 00	65 00	135 00
3440	Seaton, John W	449 80		449 80
3638	Seaton, Elmira F	1,938 50		1,938 50
9000	Sellers, Silem	989 25		989 25
2530	Senger, Samuel	405 00	6 00	399 00
3441	Settle, Frank	460 00	300 00	160 00
8026	Settle, John H	386 00	260 00	126 00
3477	Shacklett, B. C	2,998 40		2,998 40
2532	Shaver, George H	311 25		311 25
2510	Shaver, Emanuel B	235 00		235 00
11042	Shriver, administrator of David	1,855 00	371 00	1,484 00
178	Shufflebarger, David	1,049 40		1,049 40
867	Shupe, David F	325 00		325 00
8697	Silver, Zephaniah	375 00		375 00
11620	Simmons, Mrs. Treca A	895 00	371 00	524 00
8814	Simpers, Henry	2,952 00		2,952 00
12021	Sink, Jonathan	100 00		100 00
3302	Smith, Francis	125 00		125 00
3304	Smith, Abraham	150 00		150 00
2196	Smith, Eli	1,100 35		1,100 35
2383	Snapp, Henry H	1,733 50	410 00	1,323 50
14617	Snider, John, sr	100 00		100 00
8361	Snyder, John F	1,185 00	490 00	6,951 00
12413	Sowers, George W	3,415 00		3,415 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
11491	Spencer, Abraham	$362 50	$150 00	$212 50
8097	Spessard, Ann M	835 00		835 00
4735	Spigle, Joel	306 25		306 25
2942	Stake, John M	2,105 00		2,105 00
11304	Starbuck, Gideon M	584 00	393 50	190 50
2128	Stevens, Elizabeth A. V	400 00		400 00
978	Stickley, Simon	135 00		135 00
977	Stickley, William	122 00		125 00
1140	Stine, Frank	7,070 00		7,070 00
5292	Stokes, Richard	1,051 00	534 00	517 00
11301	Stokes, Warner	472 50	125 00	347 50
2520	Stoner, Daniel	742 00	225 00	517 00
10526	Storms, administratrix of Alonzo	2,597 00	956 00	1,641 00
14147	Stover, J. C	450 00		450 00
1819	Strong, Robert	2,720 00	1,104 00	1,616 00
5233	Skinker, estate of John H	8,529 00	2,377 00	6,152 00
13012	Studds, administratrix of Henry	4,322 00	1,641 00	2,681 00
1453	Sullivan, E. J	1,520 00		1,520 00
8103	Summers, Simon P	323 10		323 10
13898	Surface, George	405 00		405 00
8336	Suter, Emanuel	774 00		774 00
11529	Seitz, Andrew	1,687 50	866 00	821 50
1732	Setzer, Henry	2,529 38	1,862 13	667 25
4738	Shultz, Benjamin	340 00		340 00
12458	Swank, William	7,920 00	1,225 00	6,695 00
17136	Thompson, William	55 00	55 00	
5085	Tally, Richard	2,880 50		2,880 50
3175	Taylor, Lewis	663 44	226 44	437 00
8611	Thompson, Jack	356 50	121 00	235 50
1959	Thompson, Carey	1,886 00		1,886 00
6479	Thornton, David	465 00	310 00	155 00
2860	Timson, Lucinda	2,025 00	398 00	1,627 00
253	Torreyson, Samuel	450 50	394 00	56 50
811	Trice, George W	2,950 00		2,950 00
213	Trimmer, George	7,539 00		7,539 00
3442	Triplett, Alva	715 00		715 00
2152	Triplett, Leven	180 00		180 00
2012	Troth, P. H	136 00	136 00	
11303	Teasdale, Sidney F	100 00	25 00	75 00
4785	Trussel, Margaret A	2,427 00		2,427 00
4887	Turner, John	150 00	150 00	
8444	Turner, Samuel F	150 00		150 00
3216	Turner, Louisa H	2,048 50		2,048 50
12225	Terrett, Martha A. F	1,603 20	387 00	1,216 20
17137	Thompson, Bennett	40 00	40 00	
9806	Thompson, Hiram	575 00	175 00	400 00
14409	Underwood, Elizabeth	125 00		125 00
13703	Vineyard, J. W	1,944 00		1,944 00
11240	Vowles, Newton	9,026 00		9,026 00
12673	Veitch, John W	495 00	240 00	255 00
12658	Waddle, Julius C	599 83		599 83
7023	Walker, Mary Ann	687 50	379 50	308 00
10182	Wallack, trustee of Mrs. Margaret	13,664 83	4,866 66	8,798 17
763	Walthall, John B	550 00		550 00
2565	Wampler, Benjamin F	420 00		420 00
1273	Ware, Charles A., and W. B. Lacey	2,250 00	875 00	1,375 00
1272	Ware, Charles A	3,362 50	1,635 00	1,727 50
169	Warwick, A. J	450 00		450 00
8086	Watkins, John E. W	1,459 90		1,459 90
2762	Watkins, Rachel	1,289 80	751 00	538 80
2130	Webb, Martin	1,074 00		1,074 00
8471	Wenger, Eve	130 00	75 00	55 00
8934	Wenger, Henry	956 70	507 20	449 50
8124	Whipple, administratrix of Edward A	14,000 00	1,193 00	12,807 00
8081	White, Mary A	1,787 50		1,787 50
8359	Whitehurst, Peter H	1,250 00		1,250 00
2001	Whitlow, R. W	75 00		75 00
8229	Whittaker, Joseph	307 00	180 00	127 00
1886	Wibirt, Isaac	36 00	36 00	
11650	Williams, Henry S	14,325 50		14,325 50
3696	Williams, J. L	252 00	95 00	157 00
8959	Williams, H. W	855 00		855 00
7671	Williamson, Daniel	300 00	300 00	
6331	Wilson, James T	525 00		525 00
12100	Wilson, administrator of Elijah	125 00		125 00
1047	Windle, Amos	115 12		115 12
4722	Windle, Samuel	141 50		141 50
1733	Windle, Joseph	241 00		241 00
2519	Wine, George	155 00		155 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
8202	Wine, John H	$726 75	.....	$726 75
8168	Wise, Peter	1,085 95	.....	1,085 95
2131	Wetherite, Sally Ann	350 00	$225 00	125 00
1371	Wolford, John	328 95	284 15	44 80
2723	Wolverton, Samuel	100 00	90 00	10 00
761	Wood, Jaquelin M	5,420 00	2,932 50	2,487 50
5086	Woodhouse, Charles	250 00	150 00	100 00
1489	Woolwine, Philip	250 00	.....	250 00
14761	Worster, Nancy	1,356 50	.....	1,356 50
9441	Wright, James A	146 00	.....	146 00
5709	Wyatt, John B	1,875 00	260 00	1,615 00
9535	Wylie, Andrew	2,325 00	1,355 00	970 00
953	Young, Amos	1,948 12	.....	1,948 12
8341	Young, Abraham	200 00	150 00	50 00
7649	Zehring, Matthias H	1,123 75	608 25	515 50

APPENDIX.

LAWS, RULES, FORMS, AND OTHER INFORMATION RELATIVE TO THE PRESENTATION AND PROSECUTION OF CLAIMS.

[NOTE.—Communications on official business should be always addressed upon the envelope as follows:

THE COMMISSIONER OF CLAIMS,
Washington, D. C.]

RULES AND REGULATIONS OF THE COMMISSIONERS OF CLAIMS APPOINTED UNDER ACT OF CONGRESS OF MARCH 3, 1871.

[Extract from act of Congress of March 3, 1871.]

* * * * * * *

SEC. 2. That the President of the United States shall be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint a board of commissioners, to be designated as commissioners of claims, to consist of three commissioners, who shall be commissioned for two years, and whose duty it shall be to receive, examine, and consider the justice and validity of such claims as shall be brought before them, of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States proclaimed as in insurrection against the United States, including the use and loss of vessels or boats while employed in the military service of the United States. And the said commissioners, in considering said claims, shall be satisfied from the testimony of witnesses under oath, or from other sufficient evidence, which shall accompany each claim, taken under such rules and regulations as the commissioners may adopt, of the loyalty and adherence of the claimant to the cause and the Government of the United States before and at the time of the taking or furnishing of the property for which any claim shall be made, and of the quantity, quality, and value of the property alleged to have been taken or furnished, and the time, place, and material circumstances of the taking or furnishing of the same. And, upon satisfactory evidence of the justice and validity of any claim, the commissioners shall report their opinion in writing in each case, and shall certify the nature, amount, and value of the property taken, furnished, or used as aforesaid. And each claim which shall be considered, and rejected as unjust and invalid, shall likewise be reported, with the reasons therefor; and no claimant shall withdraw any material evidence submitted in support of any claim.

SEC. 3. That said commissioners shall take the oath of office provided by law to be taken by all officers of the United States, and shall proceed without delay to discharge their duties under this act. The President of the United States shall designate in his appointment one of said

commissioners to be president of the board, and shall be authorized to fill any vacancy which may occur, by reason of death or resignation, in said board; and each commissioner shall have authority to administer oaths and affirmations, and to take the depositions of witnesses in all matters pertaining to their duties. The said commissioners shall meet and organize said board, and hold their sessions at Washington. Two members of the board shall constitute a quorum for the transaction of business, and the agreement of two shall decide all questions in controversy. The said commissioners shall have authority to make and publish rules for their procedure, not inconsistent with this act, and shall publish notice of their sessions. They shall keep a journal of their proceedings, to be signed by the president of the board, and a register of all claims brought before the board, showing the date of presentation, number, name, and residence of claimant, subject-matter, and amount of claim, and the amount, if any, allowed; which records shall be open to the inspection of the President and Attorney-General of the United States, or of such officer as the President may designate.

SEC. 4. That said commissioners shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration; and all claims within this act and not presented to said Board shall be barred, and shall not be entertained by any Department of the Government without further authority of the Congress.

* * * * * * *

[NOTE.—The "States proclaimed as in insurrection against the United States," as designated in the proclamation of the President of July 1, 1862, were South Carolina, Florida, Georgia, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee, and North Carolina, and the State of Virginia, except the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Webster, Fayette, and Raleigh.]

[Extract from act of Congress of May 11, 1872.]

That the commissioners of claims shall have authority to appoint special commissioners to take testimony, to be used in cases pending before them, who shall have authority to administer oaths and affirmations, and to take the depositions of witnesses: *Provided*, The claimants shall pay the fees of such special commissioners for taking the depositions of witnesses called by them; but such fees shall in no case exceed ten cents per folio if the claim is less than one thousand dollars.

SEC. 2. That any person who shall knowingly and willfully swear falsely before the said commissioners of claims, or either of them, or before any special commissioner appointed by virtue of this act, in any matter or claim pending before said commissioners, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished in the same manner prescribed by law in cases of willful and corrupt perjury.

SEC. 3. That the commissioners of claims may appoint and employ agents, but not more than three at any time, whose duty it shall be, under the direction and authority of said commissioners, to investigate claims pending before them, to procure evidence, to secure the attendance of witnesses on behalf of the Government, and to examine the

same, and to cross-examine the witnesses produced by claimants, and to perform such other duties as may be required of them by said commissioners, who may discharge them at any time. The said agents shall be allowed their actual and necessary traveling expenses; the expenses paid out in investigating claims, procuring witnesses, and taking testimony, and six dollars per day while employed in the discharge of their duties; of all which, at the end of each month, they shall make a statement in detail, specifying the amounts by them paid out, to whom paid, when and where and for what purpose, and the number of days employed in their duties, and shall transmit the same, duly certified, to the commissioners. But no claim where the amount exceeds ten thousand dollars shall be examined, decided, and reported by the commissioners to Congress, except the testimony on behalf of the claimant in such case shall have been taken orally before the commissioners or some one of them personally, or shall have been taken previous to the third day of March, eighteen hundred and seventy-one, to be used in the Court of Claims or before some Department of the Government.

* * * * * * *

SEC. 6. That it shall be the duty of the said commissioners of claims to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Navy of the United States, in the same manner and with the like effect as they are now required by law to do in the case of stores or supplies taken or furnished for the use of the Army.

RULES AND REGULATIONS.

1. Every claim must be stated in a petition addressed to the commissioners of claims under the act of Congress of March 3, 1871, Washington, D. C., and no claims prepared in any other manner will be received.

2. The petition must first state the full names of all the claimants, their present residence, and their residence when their claims accrued.

3. The petition must next state who was the original owner of the claim, who now are owners thereof or interested therein, and when and upon what consideration such persons became so interested.

4. An account of the property taken or furnished should then be stated by items, the items being numbered in succession, and the total value of the several items being stated at the foot of the account.

5. The various acts required to be set forth in the petition must be stated, with time and place, clearly, concisely, fully, as to all material circumstances, and not argumentatively.

6. In setting forth the facts to be stated in the petition, the claimant must always distinguish between the facts which he states of his own knowledge and those which he states upon information and belief. He must say as to the first that he avers them of his own knowledge; and as to the last, that he states them upon information and belief.

7. The petition must state that the claimants are citizens who remained loyal adherents to the cause and the Government of the United States during the war, and were so loyal before and at the time of the taking or furnishing of the property for which claim is made.

8. The petition must state, with as much particularity and exactness as the claimant's knowledge or means of information will enable him to do, the kind, quantity, quality, and value of the stores or supplies taken

commissioners to be president of the board, and shall be authorized to fill any vacancy which may occur, by reason of death or resignation, in said board; and each commissioner shall have authority to administer oaths and affirmations, and to take the depositions of witnesses in all matters pertaining to their duties. The said commissioners shall meet and organize said board, and hold their sessions at Washington. Two members of the board shall constitute a quorum for the transaction of business, and the agreement of two shall decide all questions in controversy. The said commissioners shall have authority to make and publish rules for their procedure, not inconsistent with this act, and shall publish notice of their sessions. They shall keep a journal of their proceedings, to be signed by the president of the board, and a register of all claims brought before the board, showing the date of presentation, number, name, and residence of claimant, subject-matter, and amount of claim, and the amount, if any, allowed; which records shall be open to the inspection of the President and Attorney-General of the United States, or of such officer as the President may designate.

SEC. 4. That said commissioners shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration; and all claims within this act and not presented to said Board shall be barred, and shall not be entertained by any Department of the Government without further authority of the Congress.

* * * * * * *

[NOTE.—The "States proclaimed as in insurrection against the United States," as designated in the proclamation of the President of July 1, 1862, were South Carolina, Florida, Georgia, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee, and North Carolina, and the State of Virginia, except the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Pleasants, Tyler, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Webster, Fayette, and Raleigh.]

[Extract from act of Congress of May 11, 1872.]

That the commissioners of claims shall have authority to appoint special commissioners to take testimony, to be used in cases pending before them, who shall have authority to administer oaths and affirmations, and to take the depositions of witnesses: *Provided*, The claimants shall pay the fees of such special commissioners for taking the depositions of witnesses called by them; but such fees shall in no case exceed ten cents per folio if the claim is less than one thousand dollars.

SEC. 2. That any person who shall knowingly and willfully swear falsely before the said commissioners of claims, or either of them, or before any special commissioner appointed by virtue of this act, in any matter or claim pending before said commissioners, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished in the same manner prescribed by law in cases of willful and corrupt perjury.

SEC. 3. That the commissioners of claims may appoint and employ agents, but not more than three at any time, whose duty it shall be, under the direction and authority of said commissioners, to investigate claims pending before them, to procure evidence, to secure the attendance of witnesses on behalf of the Government, and to examine the

same, and to cross-examine the witnesses produced by claimants, and to perform such other duties as may be required of them by said commissioners, who may discharge them at any time. The said agents shall be allowed their actual and necessary traveling expenses; the expenses paid out in investigating claims, procuring witnesses, and taking testimony, and six dollars per day while employed in the discharge of their duties; of all which, at the end of each month, they shall make a statement in detail, specifying the amounts by them paid out, to whom paid, when and where and for what purpose, and the number of days employed in their duties, and shall transmit the same, duly certified, to the commissioners. But no claim where the amount exceeds ten thousand dollars shall be examined, decided, and reported by the commissioners to Congress, except the testimony on behalf of the claimant in such case shall have been taken orally before the commissioners or some one of them personally, or shall have been taken previous to the third day of March, eighteen hundred and seventy-one, to be used in the Court of Claims or before some Department of the Government.

* * * * * * *

SEC. 6. That it shall be the duty of the said commissioners of claims to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Navy of the United States, in the same manner and with the like effect as they are now required by law to do in the case of stores or supplies taken or furnished for the use of the Army.

RULES AND REGULATIONS.

1. Every claim must be stated in a petition addressed to the commissioners of claims under the act of Congress of March 3, 1871, Washington, D. C., and no claims prepared in any other manner will be received.

2. The petition must first state the full names of all the claimants, their present residence, and their residence when their claims accrued.

3. The petition must next state who was the original owner of the claim, who now are owners thereof or interested therein, and when and upon what consideration such persons became so interested.

4. An account of the property taken or furnished should then be stated by items, the items being numbered in succession, and the total value of the several items being stated at the foot of the account.

5. The various acts required to be set forth in the petition must be stated, with time and place, clearly, concisely, fully, as to all material circumstances, and not argumentatively.

6. In setting forth the facts to be stated in the petition, the claimant must always distinguish between the facts which he states of his own knowledge and those which he states upon information and belief. He must say as to the first that he avers them of his own knowledge; and as to the last, that he states them upon information and belief.

7. The petition must state that the claimants are citizens who remained loyal adherents to the cause and the Government of the United States during the war, and were so loyal before and at the time of the taking or furnishing of the property for which claim is made.

8. The petition must state, with as much particularity and exactness as the claimant's knowledge or means of information will enable him to do, the kind, quantity, quality, and value of the stores or supplies taken

or furnished during the rebellion for the use of the Army of the United States for which payment is claimed: and, if

TAKEN,

the name or names of the person or persons taking the property, and whether they were officers or soldiers of the United States, and to what company or regiment they belonged, and, if officers, their rank, and where they were then stationed, and the name of the officer in command of the United States forces in the district in which the property was taken, to what place or station the property was removed, and for the use of what person, company, regiment, or military organization in the service of the United States it was taken, and whether any voucher, receipt, or other writing was given therefor by the persons taking the property. If a voucher or other writing was given, the original, or a copy of it, must be annexed to the petition; but if not within the control of the claimants, it must be averred where the original paper is, or is believed to be, and the substance of it must be set forth. The time and place of the taking, and all the material circumstances thereof, must be particularly stated.

If the property was

FURNISHED

for the use of the Army of the United States, the petition must state the name or names of the person or persons to whom furnished, and whether they were officers or soldiers of the United States, and to what company or regiment, or other military organization, they belonged, and, if officers, their rank, and where they were stationed, and the name of the officer in command of the United States forces in the district in which the property was furnished, and whether any voucher, receipt, or other writing was given therefor by the person receiving the property. If a writing was given, the original, or a copy of it, must be annexed to the petition; but if not within the control of the claimant, it must be averred where the writing is, or is believed to be, and the substance of it must be set forth. The time and place of the furnishing, and also the material circumstances thereof, must be particularly stated.

9. If the claim is for the use or loss of vessels or boats while employed in the military service of the United States, the petition must describe the vessel or boat, its place of registry, name, size, kind, condition, and value, when first taken by the Government.

If the claim is for the *use* of the boat, the petition must state, with as much exactness as the knowledge or information of the claimant enables him to do, by whom the boat was first taken for the use of the Government, and when and where taken, and for what particular use in the first instance, stating the name of the person taking, and whether an officer of the United States, and his rank and place in the service of the Government, and how long it was used, and who had command, and what was the just value of such use, and whether there was any agreement as to the price or terms of such use, and if so, whether in writing, and if in writing, a copy of it, or the substance of it, must be furnished.

If the claim is for the *loss* of a boat, the petition must further state when and where lost, and the value of the boat when lost.

10. The petition must state whether the claim has been heretofore presented to any officer, agent, or Department of the Government, or to Congress, or to any committee thereof, and what decision or action, if any, has been had in regard to the same.

11. The petition must be signed by the claimant or claimants, and

duly verified. The verification must be also signed by the claimant or claimants, and duly attested, and shall be in the following form:

A—— B, [and C—— D——,] being duly sworn, [each for himself,] deposes and says, that he is [one of] the petitioner [s] named in the foregoing petition, and who signed the same; that the matters therein stated are true of deponent's own knowledge, except as to those matters which are stated on information and belief, and, as to those matters, he believes them to be true.

And deponent further says, that he did not voluntarily serve in the confederate army or navy, either as an officer, soldier, or sailor, or in any other capacity, at any time during the late rebellion; that he never voluntarily furnished any stores, supplies, or other material aid to said confederate army or navy, or to the confederate government, or to any officer, department, or adherent of the same, in support thereof, and that he never voluntarily accepted or exercised the functions of any office whatsoever under, or yielded voluntary support to, the said confederate government.

12. There must be appended to the petition the names and residence of the witnesses by whom the claimants expect to prove the facts alleged, specifying separately:

1st. The names and residence of the witnesses who will be relied upon to prove loyalty.

2d. The names and residence of those to prove the other facts alleged in the petition.

13. The post-office address of the claimants and of their counsel must be appended to the petition.

14. Each petition should bear a suitable indorsement of the name and address of the claimant, the various classes of property embraced in the claim, and the amount claimed. The name and address of the attorney, should there be one in the case, must be noted beneath the indorsement.

15. All papers pertaining to a claim which have been used before any Department or office of the Government, and returned to the claimant, must accompany the petition addressed to the commissioners of claims, or be filed with it before the case is taken up for consideration. Any other papers in possession of the officers of the Government will be called for by the commissioners upon receipt of a descriptive application from the claimant or attorney to that effect.

16. What are known as *ex-parte* affidavits cannot be accepted as evidence before the commissioners, but testimony heretofore intended for use before the Court of Claims, and taken under the rules of that court, will be received.

17. The clerk of the commissioners shall receive all petitions for the allowance of claims, and enter upon a register the date of presentation, number, name, and residence of claimants, subject-matter, and amount of claim.

18. After a petition has been entered upon the register, it shall not be taken from the custody of the clerk, except by special order of the commissioners.

19. Application can at any time be made, verbally or in writing, to the clerk, to have cases upon the register set for hearing before the commissioners, the applicant in each case stating the dates most convenient to claimant, to assist the commissioners in fixing the time for the desired examination.

20. [In each case all testimony offered in support of a claim, whether relating to the loyalty of the claimant or the alleged facts, shall, if practicable, be given before the commissioners at Washington; but whenever, in consequence of the smallness of the claim, the poverty of the claimant, the remoteness of the witnesses, or their inability, from any cause, to attend before the commissioners, or for any other good reason, it is desired that the testimony of the claimant or witnesses be taken at or near their places of residence, a written application must be filed with the clerk of the commissioners. This application must contain a *separate, full, and detailed statement of what each particular witness is prepared to aver of his or her own knowledge*, and must be

explicit as to all matters of time, place, and circumstance, or it will not be entertained. It must also state the name and address of each witness, the particular causes of the inability of the claimant to produce his witnesses before the commissioners at Washington, and designate the points most convenient for the taking of the desired testimony. All testimony taken as herein provided will be obtained at the cost of the claimant, who will be notified of the manner and place wherein the testimony is to be taken.—*Obsolete.*]

[Rule 20, as revised and amended.]

Claimants whose claims do not exceed five thousand dollars in all may take their testimony before a special commissioner appointed by this board, without making application to the commissioners at Washington; but their petition must have been duly presented and filed with the clerk, and the number of the case obtained. The application must be in writing, and a proper form can be procured from the clerk of the commissioners or from any special commissioner. The commissioner will preserve the application, and after taking the depositions of the witnesses named therein, will affix the application to the depositions, and forward it, with them, to the clerk.

Where the amount of a claim exceeds five thousand dollars, and does not exceed ten thousand dollars, if the claimant wishes to take depositions, an application must be filed with the clerk of the commissioners, stating the name and residence of the claimant, the number and amount of the claim, the name and residence of each witness, and the time and place at which the claimant wishes to have the depositions taken.

The application must be properly folded and indorsed, with the date of the application, the number, title, and amount of the claim, the proposed time and place for taking the testimony, giving county and State, and the name and address of the attorney.

As special agents on behalf of the Government may be directed to attend at the taking of the depositions, ample time must be allowed therefor; consequently, such applications must be filed with the clerk at least forty days before the time named in the application for taking the testimony.

The commissioners will issue special orders appointing the time, place, and commissioner for taking the testimony upon such application, and will, so far as possible, consult the desire and convenience of the claimant; but if the time and place named in the application be such that an agent on behalf of the Government cannot attend, the commissioners will appoint some other time and place for the purpose.

21. Questions as to jurisdiction, proof of loyalty and facts, rules of evidence, and all other matters relating to the business of the commission, will be decided only as they arise in cases actually under consideration, and not upon hypothetical cases, or such as are not under hearing.

22. Whenever the proofs in a case have been completed to the satisfaction of the claimant or counsel, written notice must be given by such claimant or counsel to the clerk of the commissioners, or to the special commissioner before whom the testimony is taken, that the case is completed and is submitted to the commissioners for decision.

PETITION.

To the Honorable Commissioners of Claims,
Under the Act of Congress of March 3, 1871, Washington, D. C.:

The petition of [1] ——— ———
respectfully represents:

[1] Give full names of all the petitioners.

That — he ——— citizen — of the United States, and reside — at present at or near [2] ——— and that — he — resided when this claim accrued at or near [3] ———.

That — he — ha — a claim against the United States for property [4] ——— for the use of the Army of the United States during the late rebellion, at (or near) ———, in the county of ———, and State of ———.

That the said claim, stated by items, and excluding any and all items of damage, destruction, and loss (and not use) of property; of unauthorized or unnecessary depredations by troops and other persons upon property, or of rent or compensation for the use or occupation of buildings, grounds, or other real estate, is as follows:

Date.	No. of item.	Quantities and articles.	Value.
		Total.....	

That the property in question was taken or furnished for the use of a portion of the Army of the United States, known as [1] ———, and commanded by ———, and that the persons who took or received the property, or who authorized or directed it to be taken or furnished, were the following:

Name.	Rank.	Company.	Regiment, corps, or station.

That the property was removed to [2] ——— and used for or by [3] ———; all this on or about the —— day of ———, in the year 186—.

That [4] ——— voucher , receipt , or other writing , ——— given for the property ———.

[2] Give the residence of each petitioner.
[3] Give the former residence of each petitioner.
[4] "Taken," or "furnished."
[1] Describe the organization as fully and particularly as possible.
[2] State as well as can be done the place to which the property was conveyed.
[3] State as fully and minutely as possible the particular persons or commands using the property, and to what particular uses it was applied, or intended to be applied.
[4] If any vouchers or written papers were given, attach the originals or copies, or state where the originals are to be found, and give the substance of them.

That your petitioner verily believe that the property described was[5] ——— under the following circumstances, or one or more of such circumstances, viz:

1. For the actual use of the Army, and *not* for the mere gratification of individual officers or soldiers already provided by the Government with such articles as were necessary or proper for them to have.

2. In consequence of the failure of the troops of the United States to receive from the Government in the customary manner, or to have in their possession at the time, the articles and supplies necessary for them, or which they were entitled to receive and have.

3. In consequence of some necessity for the articles taken, or similar articles, which necessity justified the officers or soldiers taking them.

4. For some purpose so necessary, useful, beneficial, or justifiable as to warrant or require the Government to pay for it.

5. Under the order or authority of some officer, or other person connected with the Army, whose rank, situation, duties, or other circumstances at the time authorized, empowered, or justified him in taking or receiving it, or ordering it to be taken or received.

That[6] ——— of ———, the original owner of said claim, and that ——— of ———, the present owner of the same,[7] ———.

That your petitioner remained loyally adherent to the cause and the Government of the United States during the war, and ——— so loyal before and at the time of the ——— of the property for which this claim is made, and — he — solemnly declare that, from the beginning of hostilities against the United States to the end thereof, ——— sympathies were constantly with the cause of the United States; that ——— never, of ——— own free will and accord, did anything, or offered, or sought, or attempted to do anything, by word or deed, to injure said cause or retard its success, and that —— he —— at all times ready and willing, when called upon, or if called upon, to aid and assist the cause of the Union, or its supporters, so far as ——— means and power, and the circumstances of the case, permitted.

That said claim has ——— before been presented to[1] ———.

That ——— hereby authorized and empowered to act as attorney for the prosecution of this claim.

Wherefore your petitioner pray for such action of your honorable commission in the premises as may be deemed just and proper.

Witnesses:

——— ———. [2]——— ———.
——— ———. ——— ———.
——— ———.

STATE OF ———, COUNTY OF ———:

[3]———, being duly sworn,[4] ——— deposes and says, that he is ——— the petitioner named in the foregoing petition, and who signed the same; that the matters therein stated are true, of the deponent's own

[5] "Taken" or "furnished."

[6] The loyalty of the owner of the property when taken or furnished, and of all persons having a present beneficial interest in the claim, must be established by proof.

[7] If any other persons than the original owners now own or have an interest in the claim, state how such ownership or interest was acquired.

[1] If the claim has heretofore been presented to any branch of the Government, state when and where presented, and what action was taken upon it.

[2] Claimants sign here.

[3] Give the names of all the petitioners.

[4] If more than one petitioner, insert the words "each for himself," and in the next line insert "one of" in the proper blanks.

knowledge, except as to those matters which are stated on information and belief, and as to those matters he believes them to be true; and deponent further says that he did not voluntarily serve in the confederate army or navy, either as an officer, soldier, or sailor, or in any other capacity, at any time during the late rebellion; that he never voluntarily furnished any stores, supplies, or other material aid to said confederate army or navy, or to the confederate government, or to any officer, department, or adherent of the same in support thereof, and that he never voluntarily accepted or exercised the functions of any office whatsoever under, or yielded voluntary support to, the said confederate government.

Witnesses:

——— ———. ——— ———.
——— ———. ——— ———.
——— ———.

Sworn and subscribed in my presence, the —— day of ———, 187—.
[SEAL.] ——— ———.

Names and residences of witnesses who will be relied upon to prove loyalty:

——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.

Names and residences of witnesses who will be relied upon to prove the other facts alleged in the foregoing petition:

——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.
——— ———, ——— ———.

Post-office address of claimant: ———, ———.
Post-office address of attorney: ———, ———.

Indorsement.

No. ——, ———, 187—. Petition of ——— to the commissioners of claims.
Residence of claimant: ———, ———.
Nature of claim, ———.
Amount claimed, $———.
Filed by ——— ———.

DIRECTIONS.

NOTE 1.—Insert number of the claim.
2.—"Taken" or "furnished."
3.—Describe the military organization by name as fully and particularly as possible.
4.—State, as well as can be done, the place to which the property was conveyed for the use of the Army.
5.—State, as fully and minutely as is possible, the particular persons or commands using the property, and to what particular use it was applied.
6.—The claimant's name should be signed here, either by himself or his attorney.

No. ——— [1].

BEFORE THE COMMISSIONERS OF CLAIMS,

Under act of Congress of March 3, 1871.

In the matter of the claim of ———, of ———, in the county of ———, and State of ———.

Comes now the claimant, before ———, esq., special commissioner for the State of ———, and represents that he has heretofore filed with the above-named commissioners a petition for the allowance of a claim for property [2]——— for the use of the Army of the United States, which claim, as stated below, does not exceed the sum of five thousand dollars.

That the said claim, stated by items, and excluding therefrom all such items as refer to the damage, destruction, and loss, and not the use, of property; to unauthorized or unnecessary depredations of troops and other persons upon the property, or to rent or compensation for the occupation of buildings, grounds, or other real estate, is as follows:

No. of item.	Quantities and articles.	Value.	
		Dollars.	Cents.
	Total.....	.....	.....

That, as stated in the petition referred to, the property in question was taken from or furnished by ———, of ———, in the State of———, for the use of a portion of the Army of the United States, known as ([3])———, and commanded by ———, and that the persons who took or received the property, or who authorized or directed it to be taken or furnished, were the following:

Name.	Rank.	Company.	Regiment, corps or station.

That the property was removed to (4) ———, and used for or by (5) ———; all this on or about the ——— day of ———, in the year 186–, as appears by the petition presented to the commissioners.

That by the following-named persons, the claimant expects to prove that, from the beginning of hostilities against the United States to the end thereof, his sympathies were constantly with the cause of the United States; that he never, of his own free will and accord, did anything, or offered, or sought, or attempted to do anything, by word or deed, to injure said cause or retard its success, and that he was at all times ready and willing, when called upon, or if called upon, to aid and assist the cause of the Union, or its supporters, so far as in his means and power and the circumstances of the case permitted:

..... of .....
..... of .....
..... of .....
..... of .....
..... of .....

That, by the following-named persons, the claimant expects to prove the taking or furnishing of the property for the use of the Army of the United States:

..... of .....
..... of .....
..... of .....
..... of .....
..... of .....
..... of .....

The claimant now prays that the testimony of the witnesses just designated be taken and recorded, at such place and at such time as the special commissioner may designate, at the reasonable cost of the said claimant; and that due notice of the time and place of the taking thereof be given to the claimant, or to his counsel.

Submitted on this ——— day of ———, 187–.

(6) ——— ———,
Claimant.
——— ———,
Attorney.

Post-office address of attorney:

Indorsement.

No. ———.

Claim of ——— ———, of ———.

———.

Application to have testimony taken by special Commissioner ———.

——— ———,
——— ———,
Attorneys.

INFORMATION RELATIVE TO TAKING TESTIMONY BEFORE SPECIAL COMMISSIONERS, TO BE USED IN CASES PENDING BEFORE THE COMMISSIONERS OF CLAIMS AT WASHINGTON.

1. Special commissioners appointed by the commissioners of claims are authorized to administer oaths and affirmations and to take the testimony of witnesses.

2. False testimony willfully given before special commissioners is punishable as in cases of willful and corrupt perjury.

3. Special commissioners must always be personally present during the examination of witnesses, and must administer all oaths and affirmations in person. Their authority can never be delegated to other persons in any case.

4. Special commissioners must themselves write out the depositions of witnesses if they reasonably can; but if a commissioner be obliged to employ a clerk, he may have but one clerk employed at a time; must put the questions himself, and see that they are answered in full, and must direct and oversee the taking of the whole deposition. The clerk must not put questions or make suggestions concerning the testimony, but must write such questions as require to be written, and the answers of the witness as they are given.

5. Depositions must be taken on legal cap-paper, both sides of the paper being used to write upon, and no unnecessary spaces or superfluous leaves permitted to increase the bulk.

6. All the depositions taken at one time in the same case should be fastened together, and covered by only one certificate.

7. Each set of depositions must be so folded as to exhibit upon the outside the number of the case, the name and residence of the claimant, the amount of the claim, the names of the deponents, the name of the special commissioner, and the name and address of the attorneys of record.

8. The special commissioner must append to each set of depositions a certificate, of the form furnished by the commissioners of claims, showing the time and place of the taking of the depositions, and the names of claimant, counsel, and witnesses present.

9. Each and every deponent, previous to examination, must be properly and duly sworn or affirmed to tell the truth, the whole truth, and nothing but the truth, concerning the matters under examination, and the certificate must show that the witnesses were so sworn or affirmed.

10. The testimony of each deponent must be written out by the special commissioner or in his presence, as given before him, and must be subsequently read over to the deponent, by whom it must be signed in the presence of the commissioner.

11. Special commissioners are authorized to take depositions in support of claims not exceeding $5,000 in amount, on the application of the claimants; but the applications must be in the form prescribed by the commissioners of claims, and the petitions of the claimants must have been duly filed at Washington, and the registry numbers obtained.

12. Special commissioners may take testimony in support of claims between $5,000 and $10,000 when specially authorized and instructed by the commissioners of claims.

13. No testimony in support of claims exceeding $10,000 in amount can lawfully be taken in any other manner than before the commissioners of claims, or one of such commissioners.

14. No testimony should be taken by a special commissioner upon the application of a claimant, unless the number of the claim is furnished as evidence that the petition has been duly presented to the commissioners of claims.

15. Special commissioners are to fix the time and place of taking depositions in response to the applications made by claimants.

16. Depositions, or questions and answers written out and prepared in advance of the actual examination, by clerks, attorneys, or others, are not to be accepted, certified, or forwarded by special commissioners.

17. The answers of deponents to questions propounded must, as closely as possible, be recorded in the identical language of such deponents.

18. All omissions and uncertainties in the testimony of deponents are taken strongly against the claimants, and seriously prejudice their claims.

19. Wherever the regulations as to taking testimony are not strictly followed, the neglect operates to the prejudice of the claim.

20. Depositions should be forwarded to the commissioners at Washington as soon as possible after they are taken, certified and paid for, the cost of forwarding being paid by the claimants.

21. Printed questions have been framed to aid the memory of the special commissioners, by directing attention to material facts and to the proper manner of pursuing their inquiry into cases before them.

22. The printed questions are not to be written out, but referred to in depositions by their numbers.

23. The printed questions on the subject of loyalty are to be answered by claimants; none are to be omitted when claimants are under examination, but all put and fully answered.

24. Claimants must be made to thoroughly understand the extent and meaning of the last general question upon loyalty, and their answer must always embrace the three separate points of the question.

25. When special commissioners have been informed of any alleged facts impeaching the loyalty of claimants, they must be very careful and thorough in putting to deponents questions designed to elicit the truth.

26. The printed questions relating to property are to be answered by claimants, and by such witnesses as are called to prove the taking or furnishing of property for Army or Navy use.

27. Such of the property questions as are clearly needless, need not be put to a witness under examination.

28. The special questions for female claimants are to be fully answered.

29. The special questions for colored claimants are to be fully answered.

30. Special commissioners must put such questions to witnesses, called by claimants to establish their loyalty, as the circumstances of each case require.

31. In all cases a witness called to prove loyalty should be asked his age, residence, and occupation; when his acquaintance with the claimant began, and especially whether the acquaintance was intimate throughout the war; whether he lived near the claimant, and how far from him; whether he saw him often, and how often; whether he conversed often with the claimant about the war, its causes and progress; whether the witness was an adherent of the Union cause, and whether the claimant so regarded him; what the claimant said as to the war, the causes of it, the Union cause, and of his own smypathy with and adherence to the cause and Government of the United States; whether the witness knew, and if so, how he knew, the sympathies and opinions of the claimant, and what they were, and whether the claimant conversed on these subjects with the witness alone, or in the presence of others; whether the witness knew the public reputation of the claimant as to loyalty, and if so, what it was; and especially how the claimant was regarded during the war by his loyal neighbors; whether the claimant ever contributed any money or property to aid the Union cause, or the Union Army, or ever gave information to officers or soldiers of the Union Army in aid of their movements and cause; whether the claimant was ever molested or threatened with injury to himself, his family, or his property, on account of his Union sentiments; whether the claimant ever contributed anything in any way to aid the confederate government, or its officers or soldiers, or ever owned any confederate bonds,

or did anything to sustain the credit of the Confederate States; and whether the claimant ever did any act or used any language which might have prevented him from establishing his loyalty to the confederacy if it had been maintained as a separate government.

32. Special commissioners are not to confine themselves to the printed questions furnished them, but must use their own best judgment in putting additional questions to draw out the whole truth, and develop facts that may be hostile to the claim.

33. Special commissioners must never allow haste in the dispatch of business, or sympathy for claimants to lead them to omit any question calculated to elicit facts unfavorable to the claims under examination.

34. All answers by deponents must be full and explicit, and omissions to answer questions, or parts of questions, occasion inferences that, if fully answered, they would prove the claimants disloyal or the claims unjust.

35. Whenever a claimant or a witness is under examination, the other witnesses must not be present.

36. Whenever present, the claimant is to be first examined; the examination to be by the special commissioner, first as to loyalty, and next as to the property.

37. Witnesses are to be first examined by the claimant or counsel, but the special commissioner must not permit leading questions to be put to a witness.

38. The special commissioner will proceed to cross-examine a witness whose examination has been closed by the claimant or counsel, to ascertain his means of knowledge, to distinguish what he really knows from what he thinks or believes or has been told, to clear up what is obscure or indefinite, to test the bias, the accuracy, the memory, and the honesty of the witness, and to elicit such facts as may be adverse to the claim.

39. As a general rule, the questions put to witnesses need not be written in the depositions, but the testimony taken in narrative form.

40. If not satisfied with the examination of a deponent, the special commissioner should always proceed to examine him further.

41. The special commissioner is expected, in every proper way, to defend the public interests against error or fraud.

42. Wherever the claimant is a female, the proof must show whether she be single or married, and her title to the property, and right to present the claim, must be established directly, not presumptively or inferentially.

43. If the claimant be a colored person, the previous condition of such claimant, whether bond or free, must be shown in the proof, and the special commissioner must ascertain, by rigid inquiry, from whom the property named in the claim was obtained, at what time, upon what consideration, and every other fact necessary to show the claimant's title.

44. If a witness be colored, the fact should be noted in the deposition, and the special commissioner should ascertain whether the witness was formerly the slave of the claimant, whether now in claimant's service, or living on claimant's land.

45. If a witness be related to the claimant, the fact and degree of such relationship should appear in the deposition.

46. If a witness have a beneficial interest in the claim under examination, the nature and extent of such interest should appear in the deposition.

47. Where the circumstances appear to justify such action, the spe-

cial commissioner should ascertain if any part of the claim has been paid; if the claimant has received payment, in whole or in part, for property taken or furnished at the same time as that under consideration, and, if any payment has been made, whether the paying officer understood or claimed that the sum paid was the full amount due, or the just value of the property to the Government.

48. All statements of quantity or number, in relation to property, must be satisfactorily established, the witness being required to state whether he knows by estimate or actual count or measurement, and to detail the whole process of arriving at the quantity or number.

49. In any claim arising out of the products or appurtenances of land, the size, description, and value of the land must appear in the testimony.

50. The special commissioner must ascertain, by suitable inquiries, whether the property was actually taken or furnished for the use of the Army or Navy, or whether it was the subject of unauthorized or unnecessary depredation or pillage.

51. No testimony need be taken in support of claims for rent, or the use or occupation of buildings, grounds, or works; for damage or destruction resulting from military occupations, movements, or operations, or for the depredations and pillage of troops.

52. Fencing and standing timber used as fuel, or for other necessary purposes, fields of grass or growing crops used for pasturage or forage, cotton used for hospital beds, and the materials of buildings torn down, if such materials are applied to military uses, fall within the term "stores and supplies," and testimony may be taken to prove their appropriation or use.

53. The fees of a special commissioner for attendance, and for taking, certifying, and forwarding depositions are limited by law to ten cents per folio when the claim does not exceed one thousand dollars in amount.

54. In cases above one thousand dollars in amount, the fees of the special commissioner are three dollars for each day of actual attendance, divided *pro rata* among all claimants served in one day, and no more than one day's attendance fee to be collected in any one case, and twenty cents per folio for taking, certifying, and forwarding the depositions.

55. Each folio consists of one hundred words, and includes the testimony, the captions, and certificates.

56. Copies of depositions may be furnished to claimants who desire them, at the rate of ten cents per folio.

57. No extra fees of any kind are allowed to a special commissioner; but if, for the accommodation of claimants, he goes to distant points to take testimony, he may, by previous agreement, receive the amount of his actual traveling expenses, unless the fees to be earned are sufficiently remunerative to warrant him in performing the journey at his own cost.

58. The special commissioner is not obliged to certify or forward testimony taken by him until the authorized costs have been paid or tendered.

REVISED QUESTIONS TO BE ANSWERED BY CLAIMANTS.

1. What is your name, age, residence, and occupation?
2. Where did you reside from the 1st of April, 1861, to the 1st of

June, 1865? If on your own land, what is the size of your farm? How much of your farm was cultivated, and how much was woodland? Where is it situated? What was your occupation during that time? Did you change your residence or business during that time; if so, where was your new residence, and what your new business?

3. Did you ever pass beyond the military or naval lines of the United States and enter the rebel lines; if so, how often, when, where, and for what purpose, and how long did you stay within the confederate lines on each occasion?

4. Did you ever take any oath or affirmation to bear allegiance to the so-called Confederate States, or to aid or support them in any way, or to "bear true faith" or "yield obedience" to them; if so, when and where? State fully in regard to the same.

5. Have you ever taken any amnesty oath; if so, when, where, and under what condition? Have you been pardoned by the President; if so, when and where, and upon what conditions?

6. Were you ever, directly or indirectly, or in any manner, connected with the civil service of the so-called Confederate States; if so, how, when, and where, in what capacity, and for what periods? Was any oath required of you for such service; and if so, what?

7. Did you ever hold any office or place of trust, honor, or profit under the confederate government, or under any of the States or Territories subordinate thereto; if so, state the nature and character of the office, the place at which, and the period for which you held it?

8. Did you hold any clerkship, or have any agency or employment of any kind for, or under, or for the benefit of the so-called Confederate States? If so, state fully in regard to the same.

9. Were you ever, in any capacity, in the military or naval service of the so-called Confederate States, or of any State or Territory subordinate thereto?

10. Were you ever an officer or soldier in the confederate army; if yea, when, where, how long, and when did you leave such service?

[Each one of these questions must be fully answered.]

11. Were you ever in the State militia of any State while subordinate to the confederacy? If yea, state when, where, how long, and when you left the service.

12. Were you ever in the home guard, or upon any vigilance committee, or committee of safety, while subject to the confederacy? If yea, state when, where, and how long.

13. If you claim that you were conscripted into the rebel service, state fully all the circumstances.

14. Did you ever furnish a substitute for the rebel army? If yea, state fully all the circumstances.

15. Were you directly or indirectly, or in any way, connected with or employed in the quartermaster's department of the confederate service, or the commissary's department, or the medical department, the engineers' department, the ordnance department, the impressment service, the provost-marshal's department, or any other branch of the confederate service?

16. Were you employed on any railroad in the service of the confederate government? Did you aid in the transportation of soldiers, munitions of war, or supplies for the confederate government? If yea, state fully all the circumstances. If you claim that what you did was not "giving aid or comfort" to the rebel cause, state fully all the facts and reasons for such your claim.

17. Did you at any time have charge of any stores or supplies for the

use of the confederate army, navy, or government, or the charge or care of trains, team or teams, wagon or wagons, vessels, boats, or other craft, or munitions of war, for the use of the confederate army or navy? If so, state fully in regard to the same.

18. Were you ever in any service, employment, or business of any kind whatsoever for the confederate government, or its army or navy? Did you ever furnish any aid, or any supplies or stores, or property of any kind, to or for the so-called Confederate States, or any State in rebellion, or to the army, navy, militia, home guards, armed forces, or military organizations thereof, or for any officer, soldier, or sailor thereof? If so, state fully in regard to the same. Did you ever give any information to any officer, soldier, or sailor of the confederate army or navy, or to any person employed by or for the so-called Confederate States, or acting on their behalf, or for their benefit, which might aid in any way any military or naval operations carried on against the United States? State fully in regard to the same.

19. Were you in any manner employed in the manufacture of munitions of war, of clothing, of boots, shoes, saddles, harness, or leather; of equipment for soldiers, or of any stores or supplies for the use of the confederate army or navy; or were you in any way employed by, or did you aid or assist others engaged in such manufacture? If so, state when and where, and by or for whom you were so employed, and for what period of time.

20. Were you ever, directly or indirectly, employed in the collection, impressment, or purchase, or the sale of stores, supplies, or any property for the use or benefit of the confederate government, or any State in rebellion, or the army, navy, or other forces thereof? Did you have any interest or share in contracts with, or purchases for, the confederate government, or its army or navy, or any State in rebellion, or its forces? If so, state fully all particulars.

21. Were you ever engaged in blockade-running, or illicit traffic or intercourse between the lines, or were you ever in any way interested therein? Did you ever have any interest or share in any goods, wares, merchandise, stores, or supplies brought into or exported from the so-called Confederate States during the war? If so, state fully all particulars.

22. Did you leave the so-called Confederate States between the 19th of April, 1861, and 19th of April, 1865? If so, when and how did you leave; where did you go; for what purpose; how long were you absent; in what business were you engaged while absent, and when and to what place did you return in the so-called Confederate States?

23. Were you the owner, or part owner, or in any way interested in any vessel used in navigating the ocean to or from any port in the confederacy, or upon any waters in the confederacy? If so, what vessels, when and where employed, and in what business?

24. Were you ever arrested by the confederate government, or by any officer, soldier, or other person professing to act therefor, or for any State in rebellion? If so, when, where, by whom, and how long were you kept under arrest? How did you get released? Did you, for the sake of being released, or upon release, take any oath of any kind to the confederate government? If so, what?

[Put the same questions as to arrest by the United States Government, &c.]

25. Was any of your property ever taken by the confederate authorities, or by any officer, soldier, or other person acting or assuming to act on their behalf, or in behalf of any State in rebellion? If so,

what property, when and for what use, and have you received pay therefor?

26. Were you ever threatened with damage or injury to your person, family, or property on account of your Union sentiments? If so, state when, by whom, and what the threats were.

27. Were you ever molested or in any way injured on account of your Union sentiments? If so, state fully all the particulars.

28. Did you ever contribute anything—any money or property—in aid of the United States Government, or in aid of the Union Army or cause? If so, state fully as to the same.

29. Did you ever *do* anything for the United States Government, or its Army, or for the Union cause, during the war? If so, state fully what you did.

30. Had you any near relatives—any *husband, son, brother, or nephew*—in the confederate army? If yea, state *his name*, whether *he is now living*, and where he resides. Did you furnish him with any military equipments, any clothing, or any money? Did you contribute in any way to aid or support him while in the rebel service?

[*Each* of these questions under No. 30 must be fully answered.]

31. Have you owned any confederate bonds or any interest or share therein; or had any share or interest in any loans to the confederate government; or did you in any way contribute to *support the credit* of the so-called Confederate States during the late rebellion?

32. Have you ever given any aid and comfort to the rebellion? If so, state fully all the circumstances.

33. Were you ever engaged in making raids into the United States from Canada, or engaged in destroying the commerce of the United States in the lakes and rivers adjoining Canada?

34. Were you ever engaged in holding in custody, directly or indirectly, any persons taken by the rebel government as prisoners of war, or any persons imprisoned or confined by the confederate government, or the authorities of any State in rebellion, for political causes? If so, when, where, and under what circumstances? In what capacity were you engaged, and what was the name, rank, and command of your principal?

35. Were you ever a member of any society or association for the imprisonment, expulson, execution, or other persecution of any persons on account of their loyalty to the United States, or did you ever assist in such acts?

36. Were you ever a paroled prisoner of the United States? If so, when and where, and by whom paroled?

37. Have you ever held any office in the Army or Navy of the United States? Were you educated by the United States at the Military Academy at West Point, or at the United States Naval Academy?

38. Did you ever receive any pass from any officer of the confederate government, or from any person having or assuming to have authority to issue the same? If so, who gave you the pass; for what purpose: for what period of time; did you sign or swear to any promise or obligation in order to get it, or swear or promise to "bear true faith and yield obedience to the Confederate States;" did you use the pass, and for what purpose?

39. Are you or were you under the disabilities imposed by the fourteenth article of the amendments to the Constitution of the United States? Have you held any office under the United States Government since the war? If so, what office; and did you take the (so-called) "iron-clad" oath?

40. At the beginning of the rebellion did you sympathize with the Union cause, or with the rebellion? What were your feelings and what your language on the subject? On which side did you exert your influence and cast your vote? What did you do, and how did you vote? How did you vote on ratifying the ordinance of secession? After the ordinance of secession was adopted in your State did you adhere to the Union cause, or did you "go with the State?"

41. [Original question 34.] In conclusion, do you solemnly declare that, from the beginning of hostilities against the United States to the end thereof, your sympathies were constantly with the cause of the United States; that you never, of your own free will and accord, did anything, or offered, or sought, or attempted to do anything, by word or deed, to injure said cause or retard its success, and that you were at all times ready and willing, when called upon, or if called upon, to aid and assist the cause of the Union, or its supporters, so far as your means and power and the circumstances of the case permitted?

If the claimant be a female, ask the following questions:

42. Are you single or married? If married, when were you married? Was your husband loyal to the cause and Government of the United States throughout the war? Where does he now reside, and why is he not joined with you in the petition? How many children have you? Give their names and ages. Were any of them in the confederate service during the war? If you claim that the property named in your petition is your sole and separate property, state how you came to own it separately from your husband; how your title was derived; when your ownership of it began? Did it ever belong to your husband? If the property for which you ask pay is wood, timber, rails, or the products of a farm, how did you get title to the farm? If by deed, can you file copies of the deeds? If single, have you been married? If a widow, when did your husband die? Was he in the confederate army? Was he in the civil service of the confederacy? Was he loyal to the United States Government throughout the war? Did he leave any children? How many? Are any now living? Give their names and ages. Are they not interested in this claim? If they are not joined in this petition, why not? State fully how your title to the property specified in the petition was obtained.

If the claimant be a colored person, ask the following questions:

43. Were you a slave or free at the beginning of the war? When did you become free? What was your business after you became free? How and when did you come to own the property named in your petition? How did you get the means to pay for it? Who was your former master? Are you now in his employment? Do you live on his land? Do you live on land purchased of him? Are you indebted to your former master for land or property, and how much? Has anybody any interest in this claim besides yourself? State fully all the facts in your answers to these questions.

REVISED QUESTIONS AS TO THE TAKING OR FURNISHING OF PROPERTY, TO BE ANSWERED BY CLAIMANTS AND WITNESSES.

1. Were you present when any of the articles of property specified in the claimant's petition were taken?

2. Did you *see* any of them taken? If so, specify the articles you saw taken.

3. Begin with the first article (item No. —) which you have specified that you saw taken, and give a full account of all you saw and heard in connection with the taking of that article?

[The special commissioners should require the witness to state *all the circumstances*; for it is only by a knowledge of *all* of them that the commissioners of claims can judge whether the taking was such a one as the Government is bound to pay for. The common phrase, "I saw the property taken by the United States soldiers," is not enough, for there was much lawless taking.

The witness should be required to detail the facts as to *each* item, when the items were taken at different times: but if all, or more than one, were taken at the same time, that fact should appear, and then a repetition of the circumstances is needless.

The special commissioner must be careful to elicit *all* the facts, as well those against as for the claim, especially as to those articles of property which were the special objects of pillage and theft, such as horses, mules, cattle, hogs, &c.

Claimants must bear in mind that a neglect to observe these directions *works to the prejudice of the claimant*, and may defeat the claim.]

4. Where were the articles taken? When were they taken? Give the day, month, and year, if you can. By whom were they taken? Did you see more than *one* soldier engaged in the taking? How many soldiers were present? State the number as near as you can. How many helped take the property? How long were they engaged in taking the property?

5. Who were present other than soldiers when you saw them taken? Give the names of all you know.

6. Was any United States officer, either commissioned or non-commissioned, present at the taking? If so, state his name, rank, regiment, and the command to which he belonged. Did he order the property to be taken? Did he say anything about the taking?

7. Describe how the property was taken, and give a full account of all you saw done, or heard said, upon the occasion of the taking.

8. How was the property removed, by soldiers or in wagons, or in what manner? State fully as to each article taken and removed.

9. To what place was it removed? Did you follow it to such place, or see it or any portion of it at any such place, or on its way to such place? How do you know the place to which it was removed?

10. Do you know the use for which the property was taken? What was the use, and how do you know it? Did you see the property so taken used by the United States Army? Did you see any *part* of the property so used? State fully all you know as to the property or any of it having been used by the Army; and distinguish between what you saw and know, and what you may have heard from others, or may think, or suppose, or infer to be true.

11. Was any complaint made to any officer on account of such taking? If so, state the name, rank, and regiment of the officer. What did he say about it? State fully *all* that he said.

12. Was any voucher or receipt for the property asked for? If so, of whom asked? State name, rank, and regiment. Was any receipt or paper given? If so, produce it, or state where it is, and why it is not produced. If no voucher or receipt was given, state why none was given, and if refused, why it was refused; state *all* that was said about it. State fully all the conversation between any officer or other person taking the property, and the claimant, or any one acting for him.

13. Was the property, or any of it, taken in the night-time? At what hour of the day (as near as you can tell) was it taken? Was any of the property taken secretly, or so that you did not know of it when taken?

14. When the property was taken, was any part of the Army *encamped* in that vicinity? If so, state how far from the place where the property was taken, and what was the company, regiment, or brigade there encamped. How long had it been encamped there? How long did it stay there, and when did it leave? Had there been any battle or skirmish near there, just before the property was taken? Did you know the quartermasters, or any of them, or any other officers of the command for whose use the property is supposed to have been taken?

15. Describe clearly the *condition* of the property when taken, and all that tends to show its value at the time and place of taking. Thus, if corn, was it green or ripe? Had it been harvested? Was it in the shock, or husked, or shelled? Where was it? If grain, was it standing; had it been cut; was it in shocks, or in the barn, or in stacks; had it been thrashed? If horses, mules, or cattle, state when they were taken, how taken, and fully their condition, age, and value. Have you talked with claimant about their value?

16. What means have you of knowing the *quantity* taken? State *particularly* how you estimate the quantity. Did you count or weigh the articles? Give us all your *data*. How much did you see taken and removed? What quantity was taken in your *presence?* As to quantity, distinguish carefully as to what you saw and know, and what you may *think or believe from what you have heard from others.*

17. If you have testified as to the taking of *wood*, how do you know it was taken? How do you know the quantity? Was it measured? By whom? What was the kind, quality, and value of the wood? Was it taken *in the tree*, standing, or had it been cut? *Where* was it taken?

18. If rails were taken, did you *see* them taken; how taken; in wagons, or by soldiers? To what place taken? How do you know, and what do you know, as to the quantity taken? Were the rails new or old? Did officers try to prevent their being taken? Was any complaint made to officers on account of the taking?

19. Has any part of this claim been paid? Has any payment been made, in whole or in part, for any property taken at the same times as the property now under consideration? Were any such payments understood or claimed by the paying officer to be in full settlement of the accounts? Give all the circumstances.

[Front page.]

BEFORE THE COMMISSIONERS OF CLAIMS.—ACT OF CONGRESS, MARCH 3, 1871.

Case of ———, No. ———.

It is hereby certified, that on the ——— day of ———, 187–, at ———, in the county of ———, and State of ———, personally came before me

the following persons, viz: ———, claimant, ———, counsel, or attorney, and ———, ———, ———, claimant's witnesses, for the purpose of a hearing in the above-entitled cause.

Each and every deponent, previous to his or her examination, was properly and duly sworn or affirmed by me to tell the truth, the whole truth, and nothing but the truth, concerning the matters under examination; and the testimony of each deponent was written out by me, or in my presence, and as given before me, and subsequently read over to said deponent, by whom it was also subscribed in my presence.

Witness my hand and seal this ———, day of ———, 187–.

[L. S.]

——— ———,
Special Commissioner of the Commissioners of Claims.

Deposition of ——— ———.

In answer to the first general interrogatory, the deponent says:

My name is ———, my age ——— years, my residence is ———, in the State of ———, and my occupation a ———; I am ——— related to the claimant, ———, and have ——— beneficial interest in the claim.

[NOTE.—The claimant should always be first examined when present, in which case the words "related to," as printed immediately above, should be stricken out.]

[Last page.]

REMARKS BY THE SPECIAL COMMISSIONER.

——— ———,
Special Commissioner.

Indorsement.

No. ———.

Claim of ———, of ——— County, State of ———. $———.

Testimony of ——— ———, page ——.

Taken before

——— ———,
Special Commissioner.

——— ———, of ———,
Attorneys.

Extracts from the first general report of the commissioners of claims to Congress, dated December 11, 1871, *and printed as Miscellaneous Document No.* 16, *House of Representatives, Forty-second Congress, second session.*

* * * * * * *

I. *Who are "citizens" within the meaning of the act.*

Claims were presented by foreigners not naturalized, but domiciled in this country, and who had resided here during the rebellion. * *

As this commission is created by act of Congress, and its jurisdiction limited by the statute; as it is only to examine and report to Congress, and has not the authority or functions of a court, its jurisdiction must be kept within the very terms of the statute. * * *

We have, therefore, held that foreigners domiciled here are not "citizens" within the meaning of the act.

We have also held that where the claimant was an alien when the claim accrued, his naturalization since the war does not remove his disability.

* * * * * * *

II. *Loyalty, and the proof of it.*

Many questions have arisen as to what was loyalty, and how it may be proved. We have held—

1. That the party claiming to be loyal must *prove* his loyalty. It is a fact to be established by proof, and is not to be presumed.

2. Voluntary residence in an insurrectionary State during the war is *prima-facie* evidence of disloyalty, and must be rebutted by satisfactory evidence.

3. Claims have come before us of persons who have served in the rebel army. They claim that they were really loyal at heart, but acted under duress—"moral duress;" that they could not get away, and would have been taken by force if they had not gone without force, and therefore they yielded and went into the rebel service, apparently but not really of their own free will. We have held that such personal service in the rebel army is proof of disloyalty, and that the duress to excuse it must be actual force used against the claimant, or *imminent* danger of *immediate, forcible,* and *serious* injury. The claimant must prove fully and in detail the facts which he claims to have constituted the duress; and opinions and general statements of danger will not suffice. Furnishing a substitute to the rebel army stands upon the same ground as personal service.

4. Voting for the ordinance of secession, holding civil or military office under the confederacy, furnishing aid or supplies to the rebel service, or to persons about to enter it, giving information to aid the rebels in their military operations, and engaging in a business whose object was to supply munitions of war or army supplies to the confederate government, we regard as acts of disloyalty.

5. Neutrality of one residing in an insurrectionary State is not sufficient to establish "loyal *adherence* to the cause and Government of the United States."

Beyond these we have not had occasion to lay down any general tests of loyalty. The cases vary so greatly that it is difficult to apply any general and absolute rule. * * * *

III. *Stores and supplies.*

* * * * * * *

1. The act of July 4, 1864, by which the Quartermaster-General and the Commissary-General of Subsistence were authorized to examine the

claims of loyal citizens, *in States not in rebellion*, uses the terms, "claims for quartermaster's stores," and "claims for subsistence."

The act of March 3, 1871, uses the words, "stores or supplies," without any words of restriction. We think it was the intent of Congress not to confine the act to quartermaster's and commissary stores, but to extend it to *all* stores and supplies for the use of the Army, and thus to include medical and hospital stores, and supplies for the Engineer Department.

2. But stores and supplies taken for the use of the Navy are not included, and a claim of that kind has been rejected for that reason.[1]

3. Claims for *rent* and the use of real estate have been urged for allowance as quartermaster's supplies.

If rent be included in quartermaster's supplies, then claims for rent by loyal citizens in the States *not in rebellion* should have been allowed under the act of July 4, 1864; but the uniform usage of the Department under that act has been to reject them as not being quartermaster's supplies. The opinions of the Judge Advocate-General to this effect are abundant and decisive. * * * *

Fence-rails.—These were usually taken for fuel. We have allowed for them as *wood*, at the rate of 100 rails per cord, (the rule adopted by the Quartermaster's Department, and which is believed to be just for the average of farm fences,) and at the price usually of $3 per cord, the average common price of wood when taken upon the farm to be hauled to the camp or the market. The damage to the owner is more than this, for rails are worth more than wood, and without fences the farmer loses to a great extent the use of his land; and the country being denuded of wood, he has to pay an increased price to replace them. But we are precluded from estimating the damage, and in conformity to the usage as to supplies, can allow only for the rails as fuel.

Cotton.—This seems to have been taken in some instances to strengthen fortifications, but probably only in cases of emergency. It has never been paid for by the Government when so used, but has been regarded as "loss by the casualty of war." (See Digest of the Opinions of the Judge Advocate-General, pp. 97 and 98, and cases there cited.) When taken for beds in hospitals it has been paid for as hospital stores.

Tobacco.—Until the act of March 3, 1865, tobacco was not furnished to the Army. Under that act it has been issued to those who use it, and charged to them on the pay-rolls.

In the claims that have come before us, tobacco has not usually been regarded as a supply, and therefore has been disallowed.

4. The *destruction* of or *damage* to buildings, growing crops, and personal property is not embraced within stores and supplies. Military necessity sometimes requires the destruction of buildings, because they shelter the enemy or obstruct the range of guns; but the buildings do not thereby become supplies. Armies, in marching through a country, cannot be kept within the lines of the highways, but must necessarily pass through fields of grass and growing crops, and often are obliged to encamp upon them. The grass and crops are thus trampled down and destroyed; but they are not supplies taken for the use of the Army.

When buildings are torn down, if the materials are taken to erect other buildings for the use of the Army, such *materials* thereby become supplies, and their value, *as materials for the purpose for which they are used*, is paid to the owner. It is a very inadequate compensation to him. But this rule, which allows only for the materials as supplies, and nothing for

[1] Since included by special provision of law.

damage to the building from which they are obtained, has been acted on uniformly for many years, and is regarded as an established usage not to be departed from. So where fields of grass or growing crops are partly trampled down and destroyed, and partly used for forage and pasturage, the latter is paid for, but the former is not. In such cases we have found great difficulty in determining how much is destroyed and how much taken for Army use. It would have been difficult at the time; how much more so after the lapse of many years.

Nothing in the act of March 3, 1871, authorizes us to allow claims for the damage or destruction of property; and in allowing for supplies we follow the long-settled rules of the Quartermaster's Department. By adopting this rule, the claims of loyal citizens north and south are treated alike.

In some cases boards of survey, appointed by military commanders according to the usages of war, have allowed for such damage and destruction as well as for forage and other Army use. When their awards have been brought before us as evidence, we have felt restricted by the act from following their allowances in this particular, and have deducted from them what we have believed to be mere damage.

5. Articles taken by the soldiers, without lawful authority or real necessity, we have not allowed. The strictest discipline could not prevent acts of lawless depredation. Whatever was deemed better than their regular rations, pigs, poultry, &c., would be seized and used by the soldiers. The ready excuse was that their supplies had not come up, and they had orders to get their subsistence where they could find it, when, in fact, they were supplied with their regular rations.

But where a real necessity existed for the taking of subsistence, and it was used in lieu of regular rations, there compensation could be given. In military operations, where rapidity of movement is necessary and the troops unable to carry their supplies with them, they must get their subsistence where they can; in hasty retreats, where disorder exists and provisions are not at hand; in times of difficult transportation, when supply trains fall behind; in such and similar cases the seizure of subsistence is necessary, and we have allowed claims for property so taken.

6. Articles not on the list of commissary supplies we reject, unless furnished to the hospitals for the refreshment and cure of the sick, when we allow for them.

IV. *The act provides that the commissioners "shall be satisfied from the testimony of witnesses under oath, or from other sufficient evidence, taken under such rules and regulations as the commissioners may adopt," of the loyalty of the claimant and the validity of the claim.*

1. We have deemed it our duty to examine witnesses orally in all cases where it was practicable. * * * Where the witnesses were so near Washington that it was reasonable for them to come before us and testify, we have required them to do so. Most of such claims have come from Virginia. In some cases of larger amount, the claimants and their witnesses have come from North Carolina, South Carolina, Georgia, Tennessee, and Louisiana.

2. Where the claims are small, the claimants poor, and they and their witnesses live remote from Washington, it would amount to a denial of justice to require them to come here. In aid of such claimants, and under the authority given to the commissioners to adopt rules and regulations for the taking of evidence, we decided to allow claimants, whose claims did not exceed $3,000, to have the depositions of themselves and their witnesses taken by special commissioners, to be designated by us. We limited this right to claims not exceeding $3,000, because most of the claims are under that amount, and we believed that attempts to de-

fraud the Government would generally be aimed at larger sums. With this limitation the cases have been numerous enough to employ all the time of the special commissioners, and to furnish us with more cases than we had time to examine and decide.

Under the existing law we do not see what more can be done than we have done to avoid the evil of *ex-parte* depositions. We have been strongly urged to allow depositions to be taken in the larger cases, but have decided to retain the limitation as it is, at $3,000, until Congress should have the opportunity to prescribe some more thorough mode of inquiry and examination as to the larger claims. * * * In such cases, if persons could be designated by proper authority to investigate the claims on the spot where they arose, and to inquire in regard to them of those officers or other persons who must at the time have known about them, it would greatly aid in guarding against disloyalty and fictitious claims. * * * * *

3. Where claims have heretofore been brought before the Court of Claims or any other tribunal or Department of the Government, and evidence has been filed and used either for or against them, we have treated all such evidence as admissible, when the same claims had been brought before us. We require that all the papers pertaining to a claim should be furnished us, and have often found evidence in the papers sent to us from the Departments of great use in the examination of claims.

* * * * * * *

V. *When claims have been heretofore presented to any Department of the Government having jurisdiction of them, and have been fully considered and decided upon their merits, we do not open them for examination, if brought before us, unless new and material evidence has been found, and such as would induce the former tribunal to hear them again.*

When a claim is presented which is also pending before some other tribunal or Department, we decline to examine it, unless the Department before which it is pending signify to us that it is withdrawn by consent in order to have it come before us.

VI. *Value of property.*

In estimating the value of property we have been guided not only by the evidence on behalf of the particular claimant, but by the knowledge of prices which we obtain in examining the numerous cases before us, and by the tables of prices furnished by the Commissary and Quartermaster's Departments. * * * By adding to the price at the nearest market the cost of transportation to the place where the claim accrued, we get a fair measure of the value of the property claimed.

Similar tables of prices have been furnished by the Quartermaster-General. They have been of much use in reducing the inflated and exaggerated estimates which claimants generally put upon their property. The natural tendency of men to overestimate the value of their property (especially when compensation is expected from the Government) is well illustrated by the compensation asked for the "superior and elegant" horses, the "best" mules, the "remarkably fine and fat" cattle, and the "new" rails which the Army seems always to have found wherever it went. We have endeavored to ascertain the fair market price, and not to allow for an enhanced value occasioned by the temporary presence of the Army.

* * * * * * * *

A. O. ALDIS, *of Vermont,*
J. B. HOWELL, *of Iowa,*
ORANGE FERRISS, *of New York,*
Commissioners of Claims.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 13.

CONTINGENT EXPENSES OF THE HOUSE OF REPRESENTATIVES.

LETTER

FROM

THE CLERK OF THE HOUSE OF REPRESENTATIVES,

TRANSMITTING

His annual report of the contingent expenses of the House.

DECEMBER 3, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

OFFICE OF THE HOUSE OF REPRESENTATIVES,
December 2, 1872.

SIR: In obedience to a resolution of the House of Representatives, passed March 4, 1842, which requires that "the Clerk shall deliver to the Postmaster of the House such kinds and quantities of stationery as from time to time shall be necessary for the use of the House, keeping an accurate account of the same, and also of the quantity and value of that used in the Clerk's office, and that hereafter, in the annual reports now required by law to be made by the Clerk, showing the amount of expenditure from the contingent fund of the House, he be required to state accurately and distinctly the quantity and cost of the stationery used by the House and the Clerk's office separately;" and also, in obedience to the second section of the act entitled "An act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bill without the authority of law, and to fix and provide for certain incidental expenses of the Departments and officers of the Government, and for other purposes," approved August 26, 1842, which requires that the Clerk of the House of Representatives report to the House a detailed statement of the manner in which the contingent fund of the House has been expended, giving the name of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such services necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent; and further, in compliance with the terms of a resolution of the House

of July 24, 1868, and of acts approved July 15, 1870, and May 8, 1872, I have the honor to make the following report, contained in papers marked A, B, C, D, and E.

Respectfully,

EDWARD McPHERSON.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives of the United States.

A.—*Compensation of officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives.*

To whom paid.	For what object.	Amount.	Total.
Edw'd McPherson *et al.*	Officers' pay-roll, July, 1871:		
	Edward McPherson, Clerk of the House	$360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Edward S. Dana, assistant clerk	180 00	
	James Tisdale, Librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Henry D. Tracy, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Committee of Ways and Means	216 00	
	Robert J. Stevens, clerk to Committee on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to Committee on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	George L. Ordway, messenger	120 00	
	Robert G. Blaine, assistant clerk	180 00	
			$7,180 95
William S. King *et al.*	Officers' pay-roll, July, 1871:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	Ernest F. M. Fachtz, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	Jacob K. Mertz, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.* —Continued.	Officers' pay-roll, July, 1871:		
	Alanson Lapham, superintendent folding-room	$180 00	
	Samuel E. Duffield, superintendent document-room	178 56	
	Warren S. Young, assistant superintendent document-room	178 56	
	George W. Dunn, document-file clerk	150 00	
	John T. Chancy, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Eugene Burr, messenger	150 00	
	John S Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	Cyril Hawkins, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Rufus R. Stevens, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
			$4,810 12
Edw'd McPherson *et al.*	Officers' pay-roll, August, 1871:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Edward S. Dana, assistant clerk	180 00	
	James Tisdale, Librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Henry D. Tracy, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Committee of Ways and Means	216 00	
	Robert J. Stevens, clerk to Committee on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to Committee on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	George L. Ordway, messenger	120 00	
	Robert G. Blaine, assistant clerk	180 00	
			7,180 95
William S. King *et al.*	Officers' pay-roll, August, 1871:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	Ernest F. M. Faehtz, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	Jacob K. Mertz, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, September, 1871:		
	Alanson Lapham, superintendent folding-room	$180 00	
	Samuel E. Duffield, superintendent document-room	178 56	
	Warren S. Young, assistant superintendent document-room	178 56	
	George W. Dunn, document-file clerk	150 00	
	John T. Chancy, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Eugene Burr, messenger	150 00	
	John S. Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	Cyril Hawkins, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Rufus R. Stevens, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
			$4,810 12
Edw'd McPherson *et al.*	Officers' pay-roll, September, 1871:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Edward S. Dana, assistant clerk	180 00	
	James Tisdale, Librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	172 80	
	John D. Barclay, clerk to Speaker	172 80	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Henry D. Tracy, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Committee of Ways and Means	216 00	
	Robert J. Stevens, clerk to Committee on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to the Committee on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	George L. Ordway, messenger	120 00	
	Robert G. Blaine, assistant clerk	180 00	
			7,169 43
William S. King *et al.*	Officers' pay-roll, September, 1871:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	Ernest F. M. Fachtz, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	Jacob K. Mertz, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, September, 1871:		
	Samuel E. Duffield, superintendent document-room	$172 80	
	Warren S. Young, assistant superintendent document-room	172 80	
	George W. Dunn, document-file clerk	150 00	
	Alexander Lynch, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Eugene Burr, messenger	150 00	
	John S. Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	Cyril Hawkins, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Rufus R. Stevens, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
			$4,798 60
Edw'd McPherson *et al.*	Officers' pay-roll, October, 1871:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Edward S. Dana, assistant clerk	180 00	
	James Tisdale, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Committee of Ways and Means	216 00	
	Robert J. Stevens, clerk to Committee on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to Committee on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	George L. Ordway, messenger	120 00	
	Robert G. Blaine, assistant clerk	180 00	
			7,180 95
William S. King *et al*	Officers' pay-roll, October, 1871:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	Ernest F. M. Faehtz, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	Jacob K. Mertz, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	178 56	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, October, 1871:		
	Warren S. Young, assistant superintendent document-room	$178 56	
	George W. Young, document-file clerk	150 00	
	Alexander Lynch, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Eugene Burr, messenger	150 00	
	John S. Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	Cyril Hawkins, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Rufus R. Stevens, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
Edw'd McPherson *et al.*	Officers' pay-roll, November, 1871:		$4,810 12
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Edward S. Dana, assistant clerk	180 00	
	James Tisdale, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	172 80	
	John D. Barclay, clerk to Speaker	172 80	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Committee of Ways and Means	216 00	
	Robert J. Stevens, clerk to Committee on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to Committee on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
	Robert G. Blaine, assistant clerk	180 00	
William S. King *et al.*	Officers' pay-roll, November, 1871:		7,169 43
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James Grindlay, messenger	144 00	
	Ernest F. M. Faehtz, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	Jacob K. Mertz, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	172 80	
	Warren S. Young, assistant superintendent document-room	172 80	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, December, 1871:		
	George W. Dunn, document-file clerk	$150 00	
	Alexander Lynch, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Eugene Burr, messenger	150 00	
	John S. Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	Cyril Hawkins, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Rufus R. Stevens, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
			$4,798 60
Edward McPherson *et al*	Officers' pay-roll, December, 1871:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	150 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	Edward S. Pollock, messenger	120 00	
	Charles C. Campbell, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Com. of Ways & Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	George W. Johnes, clerk to Committee on Claims	180 00	
	William L. Woods, clerk to Com. on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			7,180 95
William S. King *et al*	Officers' pay-roll, December, 1871:		
	William S. King, Postmaster of the House	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 90	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George B. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, sup't document-room	178 56	
	Warren S. Young, ass't sup't document-room	178 56	
	John A. Buxton, document-file clerk	150 00	
	Samuel B. Wells, messenger	150 00	
	John S. Samson, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, December, 1871:		
	Rufus R. Stevens, messenger	$150 00	
	John W. Simmons, messenger	120 00	
	Thomas H. Sherman messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	109 56	
	John W. Hersey, messenger	109 56	
	George W. Nares, messenger	109 56	
	Albert G. Bradstreet, messenger	109 56	
	Oscar Eastmond, messenger	109 56	
	Charles Johnson, messenger	109 56	
	John T. Chaney, messenger	109 56	
	Moses C. Sands, messenger	109 56	
	Thomas Harper, messenger	109 56	
	Eugene Burr, messenger	109 56	
	William P. Anderson, messenger	109 56	
	Winfield P. Lawver, messenger	109 56	
			$6,124 84
Edw'd McPherson *et al.*	Officers' pay-roll, January, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William R. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	Edward S. Pollock, messenger, 1st to 9th (Vacant.)	35 60	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	Henry D. Wharton, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, firemen	91 25	
	George H. Bassett, clerk to Com. Ways and Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	George W. Johnes, clerk to Committee of Claims	112 09	
	Wm. L. Woods, clerk to Com. on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
	Henry H. Smith, clerk to Committee of Claims	67 91	
			7,096 55
William S. King *et al.*	Officers' pay-roll, January, 1872:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George R. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	Willam F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Eugene A. Harmer, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, January, 1872:		
	John Boyd, assistant door-keeper	$216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	178 56	
	Warren S. Young, asst. superintend't document-room	178 56	
	John A. Buxton, document-file clerk	150 00	
	John S. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	John W. Simmons, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Charles H. Sewall, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	120 00	
	John H. Hersey, messenger	120 00	
	George W. Nares, messenger	120 00	
	Albert G. Bradstreet, messenger	120 00	
	Oscar Eastmond, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chaney, messenger	120 00	
	Moses C. Sands, messenger	120 00	
	Thomas Harper, messenger	120 00	
	Eugene Burr, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Winfield P. Lawver, messenger	120 00	
			$6,250 12
Edw'd McPherson *et al.*	Officers' pay-roll, February, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mchaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	167 04	
	John D. Barclay, clerk to Speaker	167 04	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	George S. Stinson, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Robert S. Crawford, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Com. Ways and Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	Henry H. Smith, clerk to Committee of Claims	180 00	
	William L. Woods, clerk to Com. on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			7,157 91
William S. King *et al.*	Officers' pay-roll, February, 1872:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George W. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*—Continued.	Officers' pay-roll, February, 1872:		
	William F. Corbett, assistant messenger	$90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Kossuth F. Purdy, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	167 04	
	Warren S. Young, asst. superintend't document-room	167 04	
	John A. Buxton, document-file clerk	150 00	
	John S. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	Russell J. Forbes, messenger	120 00	
	Thomas H. Sherman, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	120 00	
	John H. Hersey, messenger	120 00	
	George W. Nares, messenger	120 00	
	Albert G. Bradstreet, messenger	120 00	
	Oscar Eastmond, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chancy, messenger	120 00	
	Moses C. Sands, messenger	120 00	
	Thomas H. Harper, messenger	120 00	
	Eugene Burr, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Winfield P. Lawver, messenger	120 00	
			$6,227 08
Edw'd McPherson *et al.*	Officers' pay-roll, March, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	George S. Stinson, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Robert S. Crawford, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, firemen	91 25	
	Francis Ballenger, fireman	91 25	
	George H. Bassett, clerk to Com. Ways and Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	Henry H. Smith, clerk to Committee of Claims	180 00	
	Wm. L. Woods, clerk to Com. on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			7,180 95

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
William S. King *et al.*..	Officers' pay-roll, March, 1872:		
	William S. King, Postmaster	$216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George B. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Kossuth F. Purdy, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	178 56	
	Warren S. Young, ass't sup't document-room	178 56	
	John H. Buxton, document-file clerk	150 00	
	John H. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	Russell J. Forbes, messenger	120 00	
	William P. Huxford, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan A. Holmes, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	120 00	
	John H. Hersey, messenger	120 00	
	George W. Nares, messenger	120 00	
	Albert G. Bradstreet, messenger	120 00	
	Oscar Eastmond, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chancy, messenger	120 00	
	Moses C. Sands, messenger	120 00	
	Thomas H. Harper, messenger	120 00	
	Eugene Burr, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Winfield P. Lawver	120 00	
			$6,250 12
Edw'd McPherson *et al.*	Officers' pay-roll, April, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	172 80	
	John D. Barclay, clerk to Speaker	172 80	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	George S. Stinson, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Robert S. Crawford, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Com. of Ways and Means	216 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
Edw'd McPherson *et al.* —Continued.	Officers' pay-roll, April, 1872:		
	Robert J. Stevens, clerk to Com. of Appropriations	$216 00	
	Henry H. Smith, clerk to Com. on Claims	180 00	
	William L. Woods, clerk to Com. on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			$7,100 43
William S. King *et al.*	Officers' pay-roll, April, 1872:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George B. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Kossuth F. Purdy, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	172 80	
	Warren S. Young, ass't sup't document-room	172 80	
	John A. Buxton, document-file clerk	150 00	
	John S. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	Russell J. Forbes, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	120 00	
	John H. Hersey, messenger	120 00	
	George W. Nares, messenger	120 00	
	Albert G. Bradstreet, messenger	120 00	
	Oscar Eastmond, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chancy, messenger	120 00	
	Moses C. Sands, messenger	120 00	
	Thomas H. Harper, messenger	120 00	
	Eugene Burr, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Winfield P. Lawver, messenger	120 00	
	Harry Sherwood, messenger	120 00	
			6,248 00
Thomas H. Sherman	For services as clerk to Speaker for months of March, April, and May, 1872, at $1,800 per annum		450 00
Edw'd McPherson *et al.*	Officers' pay-roll, May, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	
	Paul Stevens, assistant librarian	180 00	
	Joseph Harris, chief messenger	178 56	
	John D. Barclay, clerk to Speaker	178 56	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	George S. Stinson, messenger	120 00	
	William H. Smith, messenger	120 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
Edw'd McPherson *et al.*—Continued.	Officers' pay-roll, May, 1872:		
	John T. Miller, engineer	$150 00	
	Robert S. Crawford, assistant engineer	120 00	
	Levi Jones, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Com. of Ways and Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	Henry H. Smith, clerk to Com. of Claims	180 00	
	William L. Woods, clerk to Com. on the Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			$7,180 95
William S. King *et al.*	Officers' pay-roll, May, 1872:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George B. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Kossuth F. Purdy, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent folding-room	180 00	
	Samuel E. Duffield, superintendent document-room	178 56	
	Warren S. Young, assistant surerintendent doc.room	178 56	
	John A. Buxton, document-file clerk	150 00	
	John S. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	Russell J. Forbes, messenger	120 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	Charles H. Sewell, messenger	120 00	
	George Wilford, messenger	120 00	
	John Sterling, messenger	120 00	
	John H. Hersey, messenger	120 00	
	George W. Nares, messenger	120 00	
	Albert G. Bradstreet, messenger	120 00	
	Oscar Eastmond, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chancy, messenger	120 00	
	Moses C. Sands, messenger	120 00	
	Thomas H. Harper, messenger	120 00	
	Eugene Burr, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Winfield P. Lawver, messenger	120 00	
			6,130 12
Edw'd McPherson *et al.*	Officers' pay-roll, June, 1872:		
	Edward McPherson, Clerk of the House	360 00	
	Clinton Lloyd, chief clerk	250 00	
	John M. Barclay, assistant clerk	250 00	
	Ferris Finch, assistant clerk	210 00	
	John Bailey, assistant clerk	216 00	
	Isaac Strohm, assistant clerk	216 00	
	William K. Mehaffey, assistant clerk	216 00	
	George W. Matthews, assistant clerk	180 00	
	James W. Nightingale, assistant clerk	216 00	
	Charles W. Clisbee, assistant clerk	216 00	
	James W. Clayton, assistant clerk	216 00	
	Robert G. Blaine, assistant clerk	180 00	
	John J. Cochran, assistant clerk	180 00	
	John R. Briggs, assistant clerk	180 00	
	Albert D. Wood, assistant clerk	180 00	
	Almont Barnes, assistant clerk	180 00	
	John J. Piatt, librarian	180 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
Edw'd McPherson *et al.*—Continued.	Officers' pay-roll, June, 1872:		
	Paul Stevens, assistant librarian	$180 00	
	Joseph Harris, chief messenger	172 80	
	John D. Barclay, clerk to Speaker	172 80	
	John B. Clark, jr., messenger	120 00	
	John C. Rowland, messenger	120 00	
	George S. Stinson, messenger	120 00	
	William H. Smith, messenger	120 00	
	John T. Miller, engineer	150 00	
	Levi Jones, assistant engineer	120 00	
	Robert S. Crawford, assistant engineer	120 00	
	Harrison S. Linker, assistant engineer	120 00	
	John H. Barker, fireman	91 25	
	Charles P. Bundick, fireman	91 25	
	Edwin H. Brown, fireman	91 25	
	Hugh Lyons, fireman	91 25	
	John B. Simmons, fireman	91 25	
	Francis Ballenger, fireman	91 25	
	George A. Bassett, clerk to Com. of Ways and Means	216 00	
	Robert J. Stevens, clerk to Com. on Appropriations	216 00	
	Henry H. Smith, clerk to Com. of Claims	180 00	
	Wm. L. Woods, clerk to Committee on Public Lands	180 00	
	Nehemiah G. Ordway, Sergeant-at-Arms	360 00	
	Moses Dillon, clerk	208 33	
	Benning M. Bean, messenger	120 00	
			87,169 43
William S. King *et al.*	Officers' pay-roll, June, 1872:		
	William S. King, Postmaster	216 00	
	Ben. M. Van Keuren, deputy postmaster	174 00	
	Norman Crane, messenger	144 00	
	James H. Lytle, messenger	144 00	
	James G. Grindlay, messenger	144 00	
	George B. Cowlan, messenger	144 00	
	William Tudge, assistant messenger	90 00	
	William F. Corbett, assistant messenger	90 00	
	Edward S. Bean, assistant messenger	90 00	
	William H. Sampsel, assistant messenger	90 00	
	Kussuth F. Purdy, assistant messenger	90 00	
	J. George Butler, Chaplain	75 00	
	Francis H. Smith, stenographer	365 00	
	Henry G. Hayes, stenographer	365 00	
	Otis S. Buxton, Door-keeper	216 00	
	John Boyd, assistant door-keeper	216 00	
	Alanson Lapham, superintendent of folding-room	180 00	
	Samuel E. Duffield, superintendent of document-room	172 80	
	Warren S. Young, assistant superintendent of document-room	172 80	
	John A. Buxton, document-file clerk	150 00	
	John S. Samson, messenger	150 00	
	Samuel B. Wells, messenger	150 00	
	Augustus S. French, messenger	150 00	
	George W. Dunn, messenger	150 00	
	Rufus R. Stevens, messenger	150 00	
	Robert A. McPherson, messenger	120 00	
	Jonathan H. Holmes, messenger	120 00	
	John Sterling, messenger	120 00	
	Charles Johnson, messenger	120 00	
	John T. Chancy, messenger	120 00	
	William P. Anderson, messenger	120 00	
	Charles H. Sewell, messenger, from 1st to 10th	40 88	
	John H. Hersey, messenger, from 1st to 10th	40 88	
	George W. Nares, messenger, from 1st to 10th	40 88	
	Albert G. Bradstreet, messenger, from 1st to 10th	40 88	
	Oscar Eastmond, messenger, from 1st to 10th	40 88	
	Moses C. Sands, messenger, from 1st to 10th	40 88	
	Eugene Burr, messenger, from 1st to 10th	40 88	
	Winfield P. Lawver, messenger, from 1st to 10th	40 88	
	George Wilford, messenger, from 1st to 10th	40 88	
	Thomas H. Harper, messenger, from 1st to 10th	40 88	
			5,207 40
Thomas H. Sherman	For services as clerk to the Speaker for the month of June, 1872, at $1,800 per annum		150 00

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CAPITOL POLICE.		
John Corson *et al*	Capitol police pay-roll, July, 1871:		
	John Corson, captain	$150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	
	J. M. Lindley, private	100 00	
	D. A. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	
	W. E. Creary, private	100 00	
	J. O. Evans, private	100 00	
	N. A. Fuller, private	100 00	
	John Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	George H. Lillebridge, private	100 00	
	E. D. Town, private	100 00	
	F. A. Wood, private	100 00	
	Charles H. Manning, private	100 00	
	S. S. Blackford, private	100 00	
	C. G. Thwing, private	100 00	
	J. A. Seaton, private	100 00	
	B. T. Cowart, private	100 00	
	J. C. White, private	100 00	
	J. B. Hurley, private	100 00	
	G. W. Kirk, private	100 00	
	Joshua McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	George W. Smith, private	100 00	
	Charles C. Byrne, private	100 00	
	C. T. K. Prentice, private	100 00	
	E. L. Worrall, watchman	83 33	
	Casper Koch, watchman	83 33	
	Isaac Harbert, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	C. D. Chamberlain, watchman	83 33	
	J. M. Shomo, watchman	83 33	
			$3,566 64
S. S. Blackford *et al*....	Capitol police pay-roll, August, 1871:		
	S. S. Blackford, captain	150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	
	J. M. Lindley, private	100 00	
	D. A. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	
	John Corson, private	100 00	
	J. O. Evans, private	100 00	
	N. A. Fuller, private	100 00	
	J. Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	G. H. Lillebridge, private	100 00	
	C. P. Clarke, private	100 00	
	F. A. Wood, private	100 00	
	C. H. Manning, private	100 00	
	J. A. Seaton, private	100 00	
	C. G. Thwing, private	100 00	
	B. T. Cowart, private	100 00	
	J. B. Hurley, private	100 00	
	J. C. White, private	100 00	
	G. W. Kirk, private	100 00	
	Joshua McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	George W. Smith, private	100 00	
	Charles J. Jones, private	100 00	
	W. E. Creary, private	100 00	
	C. T. K. Prentice, private	100 00	
	E. L. Worrall, watchman	83 33	
	Casper Koch, watchman	83 33	
	J. Harbert, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	A. G. Ryan, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	T. H. Dade, watchman	83 33	
			3,566 64
S. S. Blackford *et al*....	Capitol police pay-roll, September, 1871:		
	S. S. Blackford, captain	150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
S. S. Blackford *et al.*—Continued.	Capitol police pay-roll, September, 1871:		
	J. M. Lindley, private	$100 00	
	D. A. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	
	John Carson, private	100 00	
	J. O. Evans, private	100 00	
	N. A. Fuller, private	100 00	
	J. Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	G. H. Lillebridge, private	100 00	
	C. P. Clarke, private	100 00	
	F. A. Wood, private	100 00	
	C. H. Manning, private	100 00	
	C. G. Thwing, private	100 00	
	J. A. Seaton, private	100 00	
	J. C. White, private	100 00	
	B. T. Cowart, private	100 00	
	J. B. Hurley, private	100 00	
	G. W. Kirk, private	100 00	
	J. McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	G. W. Smith, private	100 00	
	C. J. Jones, private	100 00	
	C. T. K. Prentice, private	100 00	
	W. E. Creary, private	100 00	
	E. L. Worrall, watchman	83 33	
	C. Koch, watchman	83 33	
	J. Harbert, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	A. G. Ryan, watchman	83 33	
	T. H. Dade, watchman	83 33	
			$3,566 64
S. S. Blackford *et al.*	Capitol police pay-roll, January, 1872:		
	S. S. Blackford, captain	150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	
	J. M. Lindley, private	100 00	
	D. H. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	
	W. E. Creary, private	100 00	
	J. O. Evans, private	100 00	
	N. A. Fuller, private	100 00	
	J. Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	G. H. Lillibridge, private	100 00	
	E. D. Town, private	100 00	
	F. A. Wood, private	100 00	
	C. H. Manning, private	100 00	
	C. G. Thwing, private	100 00	
	J. A. Seaton, private	100 00	
	J. C. White, private	100 00	
	B. T. Cowart, private	100 00	
	J. B. Hurley, private	100 00	
	G. W. Kirk, private	100 00	
	J. McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	G. W. Smith, private	100 00	
	C. J. Jones, private	100 00	
	C. T. K. Prentice, private	100 00	
	W. W. Gelatt, private	100 00	
	C. Koch, watchman	83 33	
	J. Harbert, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	G. Robinson, watchman	83 33	
	D. O. Driscoll, watchman	83 33	
	A. G. Ryan, watchman	83 33	
			3,566 64
S. S. Blackford *et al.*	Capitol police pay-roll, February, 1872:		
	S. S. Blackford, captain	150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	
	J. M. Lindley, private	100 00	
	D. A. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
S. S. Blackford *et al.*—Continued.	Capitol police pay-roll, February, 1872:		
	J. O. Evans, private	$100 00	
	N. A. Fuller, private	100 00	
	J. Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	G. H. Lillebridge, private	100 00	
	E. D. Town, private	100 00	
	F. H. Wood, private	100 00	
	C. H. Manning, private	100 00	
	C. G. Thwing, private	100 00	
	J. A. Seaton, private	100 00	
	J. C. White, private	100 00	
	B. T. Cowart, private	100 00	
	J. B. Hurley, private	100 00	
	G. W. Kirk, private	100 00	
	J. McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	G. W. Smith, private	100 00	
	C. J. Jones, private	100 00	
	C. K. Prentice, private	100 00	
	W. W. Gelatt, private	100 00	
	R. P. Bishop, private	100 00	
	C. Koch, watchman	83 33	
	J. Harbert, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	A. G. Ryan, watchman	83 33	
	A. R. Green, watchman	83 33	
	D. O. Driscoll, watchman	83 33	
			$3,566 64
S. S. Blackford *et al.*	Capitol police pay-roll, March, 1872:		
	S. S. Blackford, captain	150 00	
	S. A. Boyden, lieutenant	125 00	
	J. W. Westfall, lieutenant	125 00	
	J. M. Lindlay, acting lieutenant	100 00	
	D. A. Babcock, private	100 00	
	S. W. Baxter, private	100 00	
	E. T. Bowers, private	100 00	
	J. O. Evans, private	100.00	
	N. A. Fuller, private	100 00	
	J. Giberson, private	100 00	
	H. H. Lemon, private	100 00	
	G. H. Lillebridge, private	100 00	
	E. D. Town, private	100 00	
	F. A. Wood, private	100 00	
	C. H. Manning, private	100 00	
	C. G. Thwing, private	100 00	
	J. A. Seaton, private	100 00	
	J. C. White, private	100 00	
	B. T. Cowart, private	100 00	
	J. B. Hurley, private	100 00	
	G. W. Kirk, private	100 00	
	J. McNeal, private	100 00	
	R. W. Simmons, private	100 00	
	G. W. Smith, private	100 00	
	C. J. Jones, private	100 00	
	C. F. K. Prentice, private	100 00	
	W. W. Gelatt, private	100 00	
	R. P. Bishop, private	100 00	
	C. Koch, watchman	83 33	
	J. Harbert, watchman	83 33	
	A. Van Buskirk, watchman	83 33	
	H. E. Cuney, watchman	83 33	
	C. B. Wheelock, watchman	83 33	
	A. G. Ryan, watchman	83 33	
	E. O. Driscoll, watchman	83 33	
	A. R. Green, watchman	83 33	
			3,566 64
John Corson *et al*	Capitol police pay-roll, July, 1871, act of May 18, 1872:		
	John Corson, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	25 00	
	J. M. Lindley, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	W. E. Creary, private	32 00	
	J. O. Evans, private	32 00	
	N. A. Fuller, private	32 00	
	J. Giberson, private	32 00	

A—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
John Corson *et al.*—Continued.	Capitol police pay-roll, July, 1871, act of May 18, 1872:		
	H. H. Lemon, private	$32 00	
	G. H. Lillebridge, private	32 00	
	E. D. Town, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	S. S. Blackford, private	32 00	
	C. G. Thwing, private	32 00	
	J. A. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal, private	32 00	
	R. W. Simmons, private	32 00	
	G. W. Smith, private	32 00	
	C. C. Byrne, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	C. J. Jones, private	32 00	
	C. T. K. Prentice, private	32 00	
			$970 00
S. S. Blackford *et al*	Capitol police pay-roll, August, 1871, act of May 18, 1872:		
	S. S. Blackford, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	25 00	
	J. M. Lindlay, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	W. E. Creary, private	32 00	
	J. O. Evans, private	32 00	
	N. A. Fuller, private	32 00	
	J. Giberson, private	32 00	
	H. H. Lemon, private	32 00	
	G. H. Lillebridge, private	32 00	
	C. P. Clark, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	C. G. Thwing, private	32 00	
	J. A. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal	32 00	
	R. W. Simmons, private	32 00	
	G. W. Smith, private	32 00	
	C. C. Byrne, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	C. J. Jones, private	32 00	
	C. T. K. Prentice, private	32 00	
	John Corson, private	32 00	
			970 00
S. S. Blackford *et al*	Capitol police pay-roll, September, 1872, act May 18, 1872:		
	S. S. Blackford, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	25 00	
	J. M. Lindlay, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	John Corson, private	32 00	
	J. O. Evans, private	32 00	
	N. A. Fuller, private	32 00	
	J. Giberson, private	32 00	
	H. H. Lemon, private	32 00	
	G. H. Lillebridge, private	32 00	
	C. P. Clark, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	C. G. Thwing, private	32 00	
	J. A. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal, private	32 00	
	R. W. Simmons, private	32 00	
	G. W. Smith, private	32 00	
	C. J. Jones, private	32 00	

A.—*Compensation of officers, clerks, messengers, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
S. S. Blackford *et al.*—Continued.	Capitol police pay-roll, September, 1872, act May 18, 1872:		
	C. T. K. Prentice, private	$32 00	
	W. E. Creary, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	C. C. Byrne, private	32 00	
			$970 00
S. S. Blackford *et al.*—	Capitol police pay-roll, January, 1872, act May 18, 1872:		
	S. S. Blackford, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	32 00	
	J. M. Lindlay, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	W. E. Creary, private	32 00	
	J. O. Evans, private	32 00	
	N. A. Fuller, private	32 00	
	J. Giberson, private	32 00	
	H. H. Lemon, private	32 00	
	G. H. Lillebridge, private	32 00	
	E. D. Town, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	C. G. Thwing, private	32 00	
	J. A. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal, private	32 00	
	R. W. Simmons, private	32 00	
	C. J. Jones, private	32 00	
	C. T. K. Prentice, private	32 00	
	W. W. Gelatt, private	32 00	
	C. C. Byrne, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	G. W. Smith, private	32 00	
			970 00
S. S. Blackford *et al.*—	Capitol police pay-roll, February, 1872, act May 18, 1872:		
	S. S. Blackford, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	25 00	
	J. M. Lindlay, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	J. O. Evans, private	32 00	
	R. P. Bishop, private	32 00	
	N. A. Fuller, private	32 00	
	J. Giberson	32 00	
	H. H. Lemon, private	32 00	
	G. H. Lillebridge, private	32 00	
	E. D. Town, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	C. G. Thwing, private	32 00	
	J. H. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal, private	32 00	
	R. W. Simmons, private	32 00	
	G. W. Smith, private	32 00	
	C. C. Byrne, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	C. J. Jones, private	32 00	
	C. T. K. Prentice, private	32 00	
	W. W. Gelatt, private	32 00	
			970 00
S. S. Blackford *et al.*—	Capitol police pay-roll, March, 1872, act May 18, 1872:		
	S. S. Blackford, captain	24 00	
	S. A. Boyden, lieutenant	25 00	
	J. W. Westfall, lieutenant	25 00	
	J. M. Lindlay, private	32 00	
	D. A. Babcock, private	32 00	
	S. W. Baxter, private	32 00	
	E. T. Bowers, private	32 00	
	J. O. Evans, private	32 00	
	R. P. Bishop, private	32 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
S. S. Blackford *et al.*—Continued.	Capitol police pay-roll, March, 1872, act May 18, 1872:		
	N. A. Fuller, private	$32 00	
	J. Giberson, private	32 00	
	H. H. Lemon, private	32 00	
	G. H. Lillebridge, private	32 00	
	E. D. Town, private	32 00	
	F. A. Wood, private	32 00	
	C. H. Manning, private	32 00	
	C. G. Thwing, private	32 00	
	J. A. Seaton, private	32 00	
	J. C. White, private	32 00	
	B. T. Cowart, private	32 00	
	J. B. Hurley, private	32 00	
	G. W. Kirk, private	32 00	
	J. McNeal, private	32 00	
	R. W. Simmons, private	32 00	
	G. W. Smith, private	32 00	
	C. C. Byrne, private	32 00	
	M. Carter, private	32 00	
	J. Stephenson, private	32 00	
	C. J. Jones, private	32 00	
	C. T. K. Prentice, private	32 00	
	W. W. Gelatt, private	32 00	
	Total		$970 00
	Disbursements from the contingent fund of the House:		
	CARTAGE.		
John B. Clark, jr	Cartage of 155 loads of books, documents, and boxes, delivered at railroad depots, express offices, and Departments, for the month of December, 1871, at 50 cents per load		77 50
John H. Barker	Cartage of 138 loads of ashes and sweepings from heating and ventilating department, House of Representatives, at 40 cents per load		55 20
George A. Brackett	Cartage of 1,045 loads of documents during December, 1871, at 50 cents per load		522 50
John B. Clark, jr	Cartage of 155 loads of documents and boxes, during month of January, 1872, at 50 cents per load		77 50
George A. Brackett	Cartage of 980 loads of documents, during month of January, 1872, at 50 cents per load		490 00
John H. Barker	Cartage of 222 loads of ashes and sweepings from heating and ventilating department, at 40 cents per load		88 80
George A. Brackett	Cartage of 600 loads of documents, during the month of February, 1872, at 50 cents per load		300 00
George A. Brackett	Cartage of documents during the month of March, 1872, 26 working days, at $5 per day		130 00
George A. Brackett	Cartage of documents during the month of April, 1872, 26 working days, at $5 per day		130 00
George A. Brackett	Cartage of documents during the month of May, 1872, 26 working days, at $5 per day		130 00
J. H. Barker	Cartage of 267 loads of ashes and sweepings from heating and ventilating department, at 40 cents per load		106 80
George A. Brackett	Cartage of documents during month of June, 1872, 26 working days, at $5 per day		130 00
George A. Brackett	Cartage of 420 loads of documents during the month of July, 1871, at 50 cents per load		210 00
John B. Clark, jr	Cartage of 155 loads of books, documents, and boxes, delivered at the Departments, express offices, and railroad depots, in the month of July, 1871, at 50 cents per load		77 50
George A. Brackett	Cartage of 574 loads of documents during month of August, 1871, at 50 cents per load		287 00
John B. Clark, jr	Cartage of 155 loads of books, documents, and boxes, delivered to the Departments, express offices, and railroad depots, during the month of August, 1871, at 50 cents per load		77 50
John B. Clark, jr	Cartage of 150 loads of books, documents, and boxes, delivered to the Departments, express offices, and railroad depots, during the month of September, 1871, at 50 cents per load		75 00
John H. Barker	Removing ashes and sweepings from the heating and ventilating department, House of Representatives, 109 loads, at 40 cents per load		43 60
George A. Brackett	Cartage of 572 loads of documents during the month of September, 1871, at 50 cents per load		286 00
George A. Brackett	Cartage of 489 loads of documents during the month of October, 1871, at 50 cents per load		244 50

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CARTAGE—Continued.		
John B. Clark, jr	Cartage of 155 loads of books, documents, and boxes, to Departments, express offices, and railroad depots, at 50 cents per load		$77 50
George A. Brackett	Cartage of 590 loads of documents during the month of November, 1871, at 50 cents per load		295 00
John B. Clark, jr	Cartage of 150 loads of books, documents, and boxes, delivered at the Departments, express offices, and railroad depots, at 50 cents per load		75 00
	CLERKS TO COMMITTEES AND TEMPORARY CLERKS IN THE OFFICE OF THE HOUSE OF REPRESENTATIVES.		
Z. Moses *et al*	Temporary clerks, July, 1871:		
	Z. Moses	$180 00	
	Judson Holcomb	180 00	
	James L. Clarkson	150 00	
	John J. Piatt	150 00	
	E. Fayette Miner	150 00	
	George W. Pratt	150 00	
			960 00
D. W. Bartlett	Clerk to the Committee on Elections, for the month of July, 1871, at $6 per day		186 00
F. A. Johnson	Clerk to the Committee on Invalid Pensions, under resolution of the House of April 18, 1871, for the month of July, 1871, at $4.80 per day		148 80
Z. Moses *et al*	Temporary clerks, August, 1871:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	James L. Clarkson	150 00	
	John J. Piatt	150 00	
	E. Fayette Miner	150 00	
	George W. Pratt	150 00	
			960 00
D. W. Bartlett	Clerk to the Committee on Elections, for the month of August, 1871, at $6 per day		186 00
F. A. Johnson	Clerk to the Committee on Invalid Pensions, under resolution of the House of April 18, 1871, for the month of August, 1871, at $4 80 per day		148 80
Z. Moses *et al*	Temporary clerks, September, 1871:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	James L. Clarkson	150 00	
	John J. Piatt	150 00	
	E. Fayette Miner	150 00	
	George W. Pratt	150 00	
			960 00
D. W. Bartlett	Clerk to the Committee on Elections, for the month of September, 1871, at $6 per day		180 00
F. A. Johnson	Clerk to the Committee on Invalid Pensions, under resolution of the House of Representatives of April 18, 1871, for the month of September, 1871, at $4 80 per day		144 00
Z. Moses *et al*	Temporary clerks, October, 1871:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	James L. Clarkson	150 00	
	John J. Piatt	150 00	
	E. Fayette Miner	150 00	
	George W. Pratt	150 00	
			960 00
F. A. Johnson	Clerk to Committee on Invalid Pensions, under resolution of the House of Representatives of April 18, 1871, for the month of October, 1871, at $4.80 per day		148 80
D. W. Bartlett	Services as clerk to the Committee on Elections, for the month of October, 1871, at $6 per day		186 00
Z. Moses *et al*	Temporary clerks, November, 1871:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	John J. Piatt	150 00	
	E. Fayette Miner	150 00	
	George W. Pratt	150 00	
			960 00
D. W. Bartlett	For services as clerk to the Committee on Elections for the month of November, 1871, at $6 per day		180 00
F. A. Johnson	For services as clerk to Committee on Invalid Pensions, House of Representatives, for the month of November, 1871, at $4.80 per day		144 00
F. A. Johnson	Clerk to Committee on Invalid Pensions, from June 1 to June 3, 1872, House resolution, April 18, 1872		14 40

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CLERKS TO COMMITTEES, &C.—Continued.		
Z. Moses *et al*	Temporary clerks' pay-roll, December, 1871:		
	Z. Moses	$180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	John P. Jefferis	150 00	
	E. Fayette Miner	150 00	
			$810 00
D. W. Bartlett	Clerk to Committee on Elections, for December, 1871		186 00
E. G. Bowdoin	Clerk to Committee on Judiciary, from December 4 to 31, 1871		168 00
E. V. Smalley	Clerk to Committee on Military Affairs, from December 4 to 31, 1871		168 00
Stephen Crowell	Clerk to Committee on Accounts, from December 4 to 31, 1872		168 00
F. A. Johnson	Clerk to Committee on Invalid Pensions, from December 4 to 31, 1871		134 40
G. W. Hambright	Clerk to Committee on Railways and Canals, from December 4 to 31, 1871		134 40
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, from December 4 to 31, 1871		134 40
P. B. Prince	Clerk to Committee on Foreign Affairs, from December 4 to 31, 1871		134 40
J. P. Foley	Clerk to Committee on Banking and Currency, from December 4 to 31, 1871		134 40
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, from December 4 to 31, 1871		134 40
J. H. Riley	Clerk to Committees on Pacific Railroads, and Mines and Mining, from December 4 to 31, 1871		134 40
W. J. Vance	Clerk to Committee on Commerce, from December 4 to 31, 1871		134 40
Alfred E. Lee	Clerk to Committee on Printing, from December 4 to 31, 1871		134 40
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, from December 4 to 31, 1871		134 40
G. O. Williams	Clerk to Committee on Territories, from December 4 to 31, 1871		134 40
A. F. Boyle	Clerk to Committee on Education and Labor, from December 4 to 31, 1871		134 40
E. G. Bowdoin	Clerk to Committee on the Judiciary, from January 1 to 19, 1872		114 00
E. Cowan	Clerk to Committee on Naval Affairs, from December 4 to 31, 1871		134 40
Z. Moses, *et al*	Temporary clerks' pay-roll, January, 1872:		
	Z. Moses	180 00	
	Judson H. Holcomb	180 00	
	Joshua H. Hatch	150 00	
	John P. Jefferis	150 00	
	E. Fayette Miner	150 00	
	James B. Cushman	150 00	
			960 00
D. W. Bartlett	Clerk to Committee on Elections, for January, 1872		186 00
E. V. Smalley	Clerk to Committee on Military Affairs, for January, 1872		186 00
Stephen Crowell	Clerk to Committee on Accounts, for January, 1872		186 00
F. A. Johnson	Clerk to Committee on Invalid Pensions, from January 1 to 7, 1872		33 60
J. F. Wilson	Clerk to Committee on Invalid Pensions, from January 8 to 31, 1871		115 20
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, for January, 1872		148 80
M. A. Clancy	Clerk to Committee on Revision of the Laws, for January, 1872		148 80
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, for January, 1872		148 80
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, for January, 1872		148 80
W. J. Vance	Clerk to Committee on Commerce, for January, 1872		148 80
G. W. Hambright	Clerk to Committee on Railways and Canals, for January, 1872		148 80
J. H. Riley	Clerk to Committee on Mines and Mining, for January, 1872		148 80
P. B. Prince	Clerk to Committee on Foreign Affairs, for January, 1872		148 80
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, from December 4 to 31, 1871		134 40
M. A. Clancy	Clerk to Committee on Revision of the Laws, from December 4 to 31, 1871		134 40
Allen Tenney	Clerk to Committee for District of Columbia, from December 5 to 31, 1871		129 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CLERKS TO COMMITTEES, &C.—Continued.		
Alexander Gullett	Clerk to Committee on Indian Affairs, for January, 1872		$148 80
E. A. Duncan	Clerk to Committee on Education and Labor, for January, 1872		148 80
E. Cowan	Clerk to Committee on Naval Affairs, for January, 1872		148 80
G. O. Williams	Clerk to Committee on Territories, for January, 1872		148 80
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, for January, 1872		148 80
J. P. Foley	Clerk to Committee on Banking and Currency, for January, 1872		148 80
G. W. Johnes	Clerical services rendered to Judiciary Committee, from January 20 to 31, 1872		72 00
Allen Tenney	Clerk to Committee for District of Columbia, for January, 1872		148 80
A. E. Lee	Clerk to Committee on Printing, for January, 1872		148 80
Z. Moses *et al*	Temporary clerks' pay-roll, February, 1872:		
	Z. Moses	$180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	E. Fayette Miner	150 00	
	John P. Jefferis	150 00	
	James P. Cushman, (1st to 17th)	87 36	
			897 36
D. W. Bartlett	Clerk to Committee on Elections, for February, 1872		174 00
E. V. Smalley	Clerk to Committee on Military Affairs, for February, 1872		174 00
George W. Johnes	Clerk to Committee on Judiciary, for February, 1872		174 00
Stephen Crowell	Clerk to Committee on Accounts, for February, 1872		174 00
J. F. Wilson	Clerk to Committee on Invalid Pensions, for February, 1872		139 20
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, for February, 1872		139 20
A. E. Lee	Clerk to Committee on Printing, for February, 1872		139 20
M. A. Clancy	Clerk to Committee on Revision of the Laws, for February, 1872		139 20
E. A. Duncan	Clerk to Committee on Education and Labor, for February, 1872		139 20
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, for February, 1872		139 20
Allen Tenney	Clerk to Committee for District of Columbia, for February, 1872		139 20
J. H. Riley	Clerk to Committee on Mines and Mining, for February, 1872		139 20
W. J. Vance	Clerk to Committee on Commerce, for February, 1872		139 20
P. B. Prince	Clerk to Committee on Foreign Affairs, for February, 1872		139 20
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, for February, 1872		139 20
G. W. Hambright	Clerk to Committee on Railways and Canals, for February, 1872		139 20
E. Cowan	Clerk to Committee on Naval Affairs, for February, 1872		139 20
J. P. Foley	Clerk to Committee on Banking and Currency, for February, 1872		139 20
G. O. Williams	Clerk to Committee on Territories, for February, 1872		139 20
A. Gullett	Clerk to Committee on Indian Affairs, for February, 1872		139 20
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, for February, 1872		139 20
Allen Tenney	Clerk to Committee for District of Columbia, for March, 1872		148 80
Z. Moses *et al*	Temporary clerks' pay-roll, March, 1872:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	E. Fayette Miner	150 00	
	John P. Jefferis	150 00	
	James H. Bonebrake	150 00	
			960 00
Stephen Crowell	Clerk to Committee on Accounts, for March, 1872		186 00
D. W. Bartlett	Clerk to Committee on Elections, for March, 1872		186 00
G. W. Johnes	Clerk to Committee on Judiciary, for March, 1872		186 00
E. V. Smalley	Clerk to Committee on Military Affairs, for March, 1872		186 00
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, for March, 1872		148 80
J. H. Riley	Clerk to Committee on Mines and Mining, for March, 1872		148 80
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, for March, 1872		148 80
J. F. Wilson	Clerk to Committee on Invalid Pensions, for March, 1872		148 80

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CLERKS TO COMMITTEES, &C.—Continued.		
G. O. Williams	Clerk to Committee on Territories, for March, 1872		$148 80
W. J. Vance	Clerk to Committee on Commerce, for March, 1872		148 80
P. B. Prince	Clerk to Committee on Foreign Affairs, for March, 1872		148 80
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, for March, 1872		148 80
E. A. Duncan	Clerk to Committee on Education and Labor for March, 1872		148 80
Alex. Gullett	Clerk to Committee on Indian Affairs, for March, 1872		148 80
Alfred E. Lee	Clerk to Committee on Printing, for March, 1872		148 80
J. P. Foley	Clerk to Committee on Banking and Currency, for March, 1872		148 80
J. Macfarland	Clerk to Committee on Railways and Canals, for March, 1872		148 80
M. A. Clancy	Clerk to Committee on Revision of the Laws, for March, 1872		148 80
L. L. Crounse	Clerk to Committee on Pacific Railroads, for December, 1871, January, February, and March, 1872		571 20
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, for March, 1872		148 80
J. R. Young	Clerk to Committee on Naval Affairs, for March, 1872		148 80
Stephen Crowell	Clerk to Committee on Accounts, for April, 1872		180 00
Z. Moses *et al*	Temporary clerks' pay-roll, April, 1872:		
	Z. Moses	$180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	E. Fayette Miner	150 00	
	John P. Jefferis	150 00	
	James H. Bonebrake	150 00	
			960 00
John B. Butler	Clerk to committee investigating affairs in Navy Department, from March 13 to April 30, 1872		230 40
G. W. Johnes	Clerk to Committee on Judiciary, for April, 1872		180 00
A. E. Lee	Clerk to Committee on Printing, for April, 1872		144 00
J. R. Young	Clerk to Committee on Naval Affairs, April, 1872		144 00
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, for April, 1872		144 00
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, for April, 1872		144 00
J. F. Wilson	Clerk to Committee on Invalid Pensions, April, 1872		144 00
M. A. Clancy	Clerk to Committee on Revision of the Laws, for April, 1872		144 00
P. B. Prince	Clerk to Committee on Foreign Affairs, for April, 1872		144 00
W. J. Vance	Clerk to Committee on Commerce, for April, 1872		144 00
J. P. Foley	Clerk to Committee on Banking and Currency, for April, 1872		144 00
Alex. Gullett	Clerk to Committee on Indian Affairs, for April, 1872		144 00
J. Macfarland	Clerk to Committee on Railways and Canals, for April, 1872		144 00
Allen Tenney	Clerk to Committee for District of Columbia, for April, 1872		144 00
G. O. Williams	Clerk to Committee on Territories, for April, 1872		144 00
D. W. Bartlett	Clerk to Committee on Elections, for April, 1872		180 00
E. A. Duncan	Clerk to Committee on Education and Labor, for April, 1872		144 00
E. V. Smalley	Clerk to Committee on Military Affairs, for April, 1872		180 00
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, for April, 1872		144 00
George C. Stone	Clerk to Committee on Mines and Mining, for April, 1872		144 00
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, for April, 1872		144 00
E. V. Smalley	Clerk to Committee on Military Affairs, from May 1 to 7, 1872		42 00
Stephen Crowell	Clerk to Committee on Accounts, for May, 1872		186 00
L. L. Crounse	Clerk to Committee on Pacific Railroads, for April, 1872		144 00
Alex. Gullett	Clerk to Committee on Indian Affairs, for May, 1872		148 80
J. F. Wilson	Clerk to Committee on Invalid Pensions, for May, 1872		148 80
Z. Moses	Temporary clerks' pay-roll, May, 1872:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	John P. Jefferis	150 00	
	E. Fayette Miner	150 00	
	James H. Bonebrake	150 00	
			960 00
D. W. Bartlett	Clerk to Committee on Elections, for May, 1872		186 00
G. W. Johnes	Clerk to Committee on Judiciary, for May, 1872		186 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CLERKS TO COMMITTEES, &c.—Continued.		
A. F. Radebaugh	Clerical services rendered the Committee of Claims, from March 15 to May 24, 1872, under resolution of the House of May 18, 1872		$340 80
W. J. Vance	Clerk to Committee on Commerce, from May 1 to June 3, 1872		163 20
J. R. Young	Clerk to Committee on Naval Affairs, from May 1 to June 3, 1872		163 20
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, from May 1 to June 3, 1872		163 20
E. A. Duncan	Clerk to Committee on Education and Labor, from May 1 to June 3, 1872		163 20
J. Macfarland	Clerk to Committee on Railways and Canals, from May 1 to June 3, 1872		163 20
J. P. Foley	Clerk to Committee on Banking and Currency, from May 1 to June 3, 1872		163 20
J. M. Butler	Clerk to select committee investigating the Navy Department, for May, 1872		148 80
George C. Stone	Clerk to Committee on Mines and Mining, from May 1 to June 3, 1872		163 20
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, from May 1 to June 3, 1872		163 20
U. H. Painter	Clerk to Committee on Post-Office and Post-Roads, from May 1 to June 3, 1872		163 20
P. B. Prince	Clerk to Committee on Foreign Affairs, from May 1 to June 3, 1872		163 20
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, from May 1 to June 3, 1872		163 20
G. O. Williams	Clerk to Committee on Territories, from May 1 to June 3, 1872		163 20
A. E. Lee	Clerk to Committee on Printing, from May 1 to June 3, 1872		163 20
H. L. Bridgman	Clerk to Committee on Expenditures in Treasury Department, from April 18 to June 3, 1872, under House resolution of April 18, 1872		225 60
Allen Tenney	Clerk to Committee for District of Columbia, from May 1 to June 3, 1872		163 20
M. A. Clancy	Clerk to Committee on Revision of the Laws, from May 1 to June 3, 1872		163 20
J. P. Pope	Clerk to Committee on Military Affairs, from May 8 to June 3, 1872		162 00
J. P. Pope	Clerk to Committee on Military Affairs, from June 4 to 10, 1872		42 00
H. L. Bridgman	Clerk to Committee on Expenditures in Treasury Department, from April 1 to 17, 1872	$81 60	
	For same from June 4 to 10, 1872	33 60	
			115 20
Steven Crowell	Clerk to Committee on Accounts, for June, 1872		180 00
Z. Moses *et al*	Temporary clerks' pay-roll, June, 1872:		
	Z. Moses	180 00	
	Judson Holcomb	180 00	
	Joshua H. Hatch	150 00	
	John P. Jefferis	150 00	
	E. Fayette Miner	150 00	
	James H. Bonebrake	150 00	
			960 00
D. W. Bartlett	Clerk to Committee on Elections, for June, 1872		180 00
J. F. Wilson	Clerk to Committee on Invalid Pensions, for June, 1872		144 00
L. L. Crounse	Clerk to Committee on Pacific Railroads, from May 1 to June 3, 1872		163 20
L. L. Crounse	Clerk to Committee on Pacific Railroads, from June 4 to June 30, 1872		129 60
P. M. Clark	Clerk to Committees on Patents and Private Land Claims, from June 4 to June 30, 1872		129 60
G. O. Williams	Clerk to Committee on Territories, from June 4 to June 30, 1872		129 60
M. A. Clancy	Clerk to Committee on Revision of the Laws, from June 4 to June 30, 1872		129 60
H. J. Ramsdell	Clerk to Committee on Public Buildings and Grounds, from June 4 to June 30, 1872		129 60
G. C. Stone	Clerk to Committee on Mines and Mining, from June 4 to June 30, 1872		129 60
A. E. Lee	Clerk to Committee on Printing, from June 4 to June 30, 1872		129 60
E. N. Houghton	Clerk to Committees on Agriculture and Manufactures, from June 4 to June 30, 1872		129 60
J. P. Foley	Clerk to Committee on Banking and Currency, from June 4 to June 30, 1872		129 60
Allen Tenney	Clerk to Committee for District of Columbia, from June 4 to June 30, 1872		129 60

A.—*Disbursements from the contingent funds of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	CLERKS TO COMMITTEES, &c.—Continued.		
P. B. Prince	Clerk to Committee on Foreign Affairs, from June 4 to June 30, 1872		$129 60
E. A. Duncan	Clerk to Committee on Education and Labor, from June 4 to June 30, 1872		129 60
J. R. Young	Clerk to Committee on Naval Affairs, from June 4 to June 30, 1872		129 60
U. H. Painter	Clerk to Committee on the Post-Office and Post-Roads, from June 4 to June 30, 1872		129 60
J. P. Pope	Clerk to Committee on Military Affairs from June 11 to June 30, 1872		120 00
H. L. Bridgman	Clerk to Committee on Expenditures in Treasury Department, from June 11 to June 30, 1872		96 00
G. W. Johnes	Clerk to Committee on the Judiciary, for June, 1872		180 00
J. Macfarland	Clerk to Committee on Railways and Canals, from June 4 to June 30, 1872		129 60
W. J. Vance	Clerk to Committee on Commerce, from June 4 to June 30, 1872		129 60
	Folding documents, including materials.		
	MATERIALS.		
John C. Parker	204 reams, 19 by 24, Manila paper, at $4.69	$956 76	
	200 reams, 12 by 19, Manila paper, at $2.34	468 00	
	75 8-20 reams, 27 by 37, Manila paper, at $8.97	676 34	
			2,101 10
Philp & Solomons	899,000 speech-envelopes, at $1.87	1,681 13	
	150,000 buff speech-envelopes, No. 8, at $2.48	372 00	
	50,000 buff envelopes, No. 9, at $2.87	143 50	
	50,000 buff envelopes, No. 10, at $3.35	167 50	
	46 4-20 reams Manila paper, 27 by 37, at $11.85	547 47	
			2,911 60
Philp & Solomons	44,000 buff speech-envelopes, at $1.98	87 12	
	71,000 buff speech-envelopes, at $1.98	140 58	
	24,000 buff speech-envelopes, at $1.98	47 52	
	63,000 buff speech-envelopes, at $1.98	124 74	
	53,000 buff speech-envelopes, at $1.98	104 94	
	58,000 buff speech-envelopes, at $1.98	114 84	
	28,000 buff speech-envelopes, at $1.98	55 44	
	19,500 gold x No. 10 envelopes, at $4.45	86 78	
	32,000 gold x No. 10 envelopes, at $4.45	144 63	
			906 59
Philp & Solomons	22,000 buff speech-envelopes, at $2.23	49 06	
	28,000 buff speech-envelopes, at $2.23	62 44	
	17,000 buff speech-envelopes, at $2.23	37 91	
	42,000 buff speech-envelopes, at $2.23	93 66	
	2,000 buff speech-envelopes, at $2.23	4 46	
	20 reams Manila extra, 24 by 36, 75 lbs., at $12.24	244 80	
	96,000 buff speech-envelopes, at $2.23	214 08	
	66,000 buff speech-envelopes, at $2.23	147 18	
			853 59
Philp & Solomons	42,000 speech-envelopes, at $2.23	93 66	
	20,000 speech-envelopes, at $2.23	44 60	
	59,000 speech-envelopes, at $2.23	131 57	
	40,000 speech-envelopes, at $2.23	89 20	
	93,000 speech-envelopes, at $2.23	207 39	
	34,000 speech-envelopes, at $2.23	75 82	
			642 24
Philp & Solomons	33 reams Manila, 27 by 37, at $11.85		391 05
Philp & Solomons	53,000 buff speech-envelopes, at $2.23	118 19	
	101,000 buff speech-envelopes, at $1.87	188 87	
			307 06
William Ballantyne	50 reams Manila paper, at $4.30	215 00	
	50 reams Manila paper, at $4.30	215 00	
	100 reams Manila paper, at $4.30	430 00	
	81 reams Manila paper, at $4.30	348 30	
			1,208 30
	SERVICE.		
John E. Hammond *et al.*	Folders' pay-roll, July, 1871:		
	John E. Hammond	150 00	
	John W. Chandler	120 00	
	Julius De Saules	120 00	
	Charles W. Wells	120 00	
	Charles M. Bryant	120 00	
	Wilbur G. Brower	127 10	
	George Wilford	111 60	
	John H. Hersey	111 60	
	George W. Nares	111 60	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al.*—Continued.	Folders' pay roll, July 1, 1871:		
	Oscar Eastmond	$111 60	
	Henry E. Parker	111 60	
	Joseph B. Wheeler	111 60	
	Charles Johnson	111 60	
	John W. Pettit	111 60	
	Samuel S. Strachan	111 60	
	John N. Hubbard	111 60	
	James H. Dobson	111 60	
	John W. Simmons	111 60	
	Albert G. Bradstreet	111 60	
	John Sterling	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Alexander Lynch	111 60	
	Joshua Webster	111 60	
	Patrick Shay	111 60	
	Moses C. Sands	111 60	
	William D. Pemberton	111 60	
	Thomas H. Marston	111 60	
	Charles F. Holbrook	77 50	
	Thomas F. Taylor	62 00	
	Lewis Y. Ellis	62 00	
	James T. Jackson	62 00	
			$3,475 80
Charles E. Diemar *et al.*	Folders' pay-roll, July, 1871:		
	Charles E. Diemar	111 60	
	Harry Sherwood	111 60	
	William T. Fitch	111 60	
	Samuel H. Decker	111 60	
	William M. Gibson	111 60	
	Joseph J. G. Ball	111 60	
	Charles S. Reisinger	111 60	
	Philip W. Coleman	111 60	
	Augustus Beckert	111 60	
	Abram Harkins	111 60	
	John A. Travis	111 60	
			1,227 60
William Deplitch *et al.*	Folders' pay-roll, July, 1871:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	John C. Rowland	120 00	
	Edward Fenno	120 00	
	George W. Harris	120 00	
	George D. Crawford	120 00	
	John P. Jefferis	120 00	
	Henry D. Barnitz	111 60	
			1,071 60
Webster Eaton *et al*	Folders' pay-roll, July, 1871:		
	Webster Eaton	144 00	
	James G. Garland	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Lycurgus J. Rusk	90 00	
			612 00
Andrew C. Craig *et al.*	Folders' pay-roll, July, 1871:		
	Andrew C. Craig	25 90	
	Jacob Tabler, jr	23 70	
	Bernard McManus	24 00	
	Willie S. Martin	24 65	
	Charles Peddecord	13 00	
	Nevel Parker	13 00	
			124 25
J. C. Parker	306 reams Manila paper, 12 by 19, at $2.34		716 04
A. E. Ward	Watcher and keeping fires in furnaces under folding-room, House of Representatives, for the month of July, 1871, at $3.60 per day		111 60
Henry Sanders	Services in Door-keeper's department for month of July, 1871, at $3.60 per day		111 60
Jos. Reese	57 buckets paste furnished folding-room during July, 1871, at $1 per bucket		57 00
John E. Hammond *et al.*	Folders' pay-roll, August, 1871:		
	John E. Hammond	150 00	
	John W. Chandler	120 00	
	Julius De Saules	120 00	
	Charles W. Wells	120 00	
	Moses C. Sands	120 00	
	Wilbur G. Brower	127 10	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al*—Continued.	Folders' pay-roll, August, 1871:		
	George Wilford	$111 60	
	John H. Hersey	111 60	
	George W. Nares	111 60	
	Oscar Eastmond	111 60	
	Henry E. Parker	111 60	
	Joseph B. Wheeler	111 60	
	Charles Johnson	111 60	
	John N. Hubbard	111 60	
	James H. Dobson	111 60	
	Albert G. Bradstreet	111 60	
	John Sterling	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Alexander Lynch	111 60	
	Patrick Shay	111 60	
	William D. Pemberton	111 60	
	Thomas H. Marston	111 60	
	William M. Long	111 60	
	Cassius M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	William P. Anderson	111 60	
	Charles F. Holbrook	77 50	
	Thomas F Taylor	62 00	
	Lewis Y. Ellis	62 00	
	James T. Jackson	62 00	
			$3,475 80
Charles E. Diemar *et al*.	Folders' pay-roll, August, 1871:		
	Charles E. Diemar	111 60	
	Harry Sherwood	111 60	
	William T. Fitch	111 60	
	Samuel H. Decker	111 60	
	William M. Gibson	111 60	
	Joseph J. G. Ball	111 60	
	Charles S. Reisinger	111 60	
	Philip W. Coleman	111 60	
	Augustus Beckert	111 60	
	Abram Harkins	111 60	
	John A. Travis	111 60	
			1,227 60
William Deplitch *et al*.	Folders' pay-roll, August, 1871:		
	William Deplitch	120 00	
	Lewis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	John C. Rowland	120 00	
	Edward Fenno, 1st to 2d, inclusive	9 13	
	George W. Harris	120 00	
	George D. Crawford	120 00	
	John P. Jefferis	120 00	
	Henry D. Barnitz	111 60	
			960 73
Webster Eaton *et al* ..	Folders' pay-roll, August, 1871:		
	Webster Eaton	144 00	
	James G. Garland	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Lycurgus J. Rusk	90 00	
			612 00
Andrew C. Craig *et al*..	Folders' pay-roll, August, 1871:		
	Andrew C. Craig	46 50	
	Jacob Tabler, jr	43 50	
	Bernard McManus	44 00	
	Willie S. Martin	43 75	
	Charles Peddecord	34 75	
	Nevel Parker	32 00	
			244 50
J. C. Parker	297 4-20 reams Manila paper, 19 by 24, 33 lbs. to ream, at $4.69		1,393 87
Henry Sanders	Services in folding-room for month of August, 1871, at $3.60 per day		111 60
A. E. Ward	Services as watcher and keeping fires in furnaces under folding-room, for month of August, 1871, at $3.60 per day		111 60
John E. Hammond *et al*.	Folders' pay-roll, September, 1871:		
	John E. Hammond	150 00	
	John W. Chandler	120 00	
	Julius De Saules	120 00	
	John T. Chancy	120 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al.*—Continued.	Folders' pay-roll, September, 1871:		
	Charles M. Bryant	$120 00	
	Wilbur G. Brower	123 00	
	Moses C. Sands	108 00	
	George Wilford	108 00	
	Samuel S. Strachan	108 00	
	Joshua Webster	108 00	
	John W. Pettit	108 00	
	John H. Hersey	108 00	
	Oscar Eastmond	108 00	
	Henry E. Parker	108 00	
	Joseph B. Wheeler	108 00	
	Charles Johnson	108 00	
	John N. Hubbard	108 00	
	Samuel Heilner	108 00	
	James H. Dobson	108 00	
	James Crystal	108 00	
	James McCabe	108 00	
	Patrick Shay	108 00	
	William D. Pemberton	108 00	
	Thomas H. Marston	108 00	
	William M. Long	108 00	
	Cassius M. Thomas	108 00	
	Hudson Decker	108 00	
	Samuel Lee	108 00	
	Charles F. Holbrook	75 00	
	William P. Anderson	60 00	
	Lewis Y. Ellis	60 00	
	James T. Jackson	60 00	
			$3,384 00
Charles E. Diemar *et al*	Folders' pay-roll, September, 1871:		
	Charles E. Diemar	108 00	
	Harry Sherwood	108 00	
	William T. Fitch	108 00	
	Samuel H. Decker	108 00	
	William M. Gibson	108 00	
	Joseph J. G. Ball	108 00	
	Charles S. Reisinger	108 00	
	Philip W. Coleman	108 00	
	Augustus Beckert	108 00	
	Abram Harkins	108 00	
	John A. Travis	108 00	
			1,188 00
William Deplitch *et al*	Folder's pay-roll, September, 1871:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	John C. Rowland	120 00	
	J. M. Shomo, 15th to 30th	60 00	
	George W. Harris	120 00	
	George D. Crawford	120 00	
	John P. Jefferis	120 00	
	Henry D. Barnitz	108 00	
			1,008 00
Webster Eaton *et al*	Folders' pay-roll, September, 1871:		
	Webster Eaton	144 00	
	James G. Garland	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Lycurgus J. Rusk	90 00	
			612 00
Andrew C. Craig *et al*	Folders' pay-roll, September, 1871:		
	Andrew C. Craig	51 00	
	Jacob Tabler, jr	40 75	
	Bernard McManus	50 00	
	Willie S. Martin	45 00	
	Charles Peddecord	34 25	
	Nevel Parker	32 75	
			253 75
Henry Sanders	Services in folding-room during month of September, 1871, at $3.60 per day		108 00
A. E. Ward	Services as watcher and keeping fires in furnaces under folding-room, for month of September, 1871, at $3 60 per day		108 00
Joseph Reese	61 buckets paste furnished the folding-room House of Representatives during month of August, 1871, at $1 per bucket		61 00
Joseph Reese	26 buckets paste furnished the folding-room House of Representatives during month of September, 1871, at $1 per bucket		26 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al*	Folders' pay-roll, October, 1871:		
	John E. Hammond	$150 00	
	John W. Chandler	120 00	
	Julius De Saules	120 00	
	John T. Chaney	120 00	
	Charles A. Prentiss	120 00	
	Wilbur G. Brower	127 10	
	Moses C. Sands	111 60	
	George Wilford	111 60	
	John W. Simmons	111 60	
	Samuel S. Strachan	111 60	
	George W. Nares	111 60	
	Joshua Webster	111 60	
	John W. Pettit	111 60	
	John H. Hersey	111 60	
	Oscar Eastmond	111 60	
	Henry E. Parker	111 60	
	Joseph B. Wheeler	111 60	
	Charles Johnson	111 60	
	John N. Hubbard	111 60	
	James H. Dobson	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Patrick Shay	111 60	
	William D. Pemberton	111 60	
	William M. Long	111 60	
	Cassius M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	Charles F. Holbrook, (page)	77 50	
	Thomas F. Taylor	62 00	
	Lewis Y. Ellis	62 00	
	James T. Jackson	62 00	
			$3,475 80
Charles E. Diemar *et al*	Folders' pay-roll, October, 1871:		
	Charles E. Diemar	111 60	
	Harry Sherwood	111 60	
	William T. Fitch	111 60	
	Samuel H. Decker	111 60	
	William M. Gibson	111 60	
	Joseph J. G. Ball	111 60	
	Charles S. Reisinger	111 60	
	Philip W. Coleman	111 60	
	Augustus Beckert	111 60	
	John A. Travis	111 60	
			1,116 00
William Deplitch *et al*	Folders' pay-roll, October, 1871:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	John C. Rowland	120 00	
	J. M. Shomo	120 00	
	George W. Harris	120 00	
	George D. Crawford	120 00	
	John P. Jefferis	120 00	
	Henry D. Barnitz	111 60	
			1,071 60
Webster Eaton *et al*	Folders' pay-roll, October, 1871:		
	Webster Eaton	144 00	
	James G. Garland	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Lycurgus J. Rusk	90 00	
			612 00
Andrew C. Craig *et al*	Folders' pay-roll, October, 1871:		
	Andrew C. Craig	72 00	
	Jacob Tabler, jr	59 50	
	Bernard McManus	72 25	
	Willis S. Martin	59 50	
	Charles Peddecord	47 40	
	Nevil Parker	33 75	
	John Daily	24 00	
			368 40
Henry Sanders	Services in folding-room Door-keeper's department, House of Representatives, for the month of October, 1871, at $3.60 per day		111 60
A. E. Ward	Services as watcher, and keeping fires in furnaces under folding-rooms, House of Representatives, for the month of October, 1871, at $3.60 per day		111 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
Joseph Reese	Sixteen buckets paste furnished for use of the folding-room, House of Representatives, for the month of October, 1871, at $1 per bucket		$16 00
Philp & Solomons	100,000 speech-envelopes, at $1.87	$187 00	
	146,000 speech-envelopes, at $1.87	273 02	
			460 02
John E. Hammond *et al*	Folders' pay-roll, November, 1871:		
	John E. Hammond	150 00	
	John W. Chandler	120 00	
	Julius De Saules	120 00	
	John T. Chancy	120 00	
	Charles M Bryant	120 00	
	Wilbur G. Brower	123 00	
	Moses C. Sands	108 00	
	George Wilford	108 00	
	John W. Simmons	108 00	
	Samuel S. Strachan	108 00	
	George W. Nares	108 00	
	Joshua Webster	108 00	
	J. W. Pettit	108 00	
	John H. Hersey	108 00	
	Oscar Eastmond	108 00	
	Henry E. Parker	108 00	
	Joseph B. Wheeler	108 00	
	Charles Johnson	108 00	
	John N. Hubbard	108 00	
	James H. Dobson	108 00	
	James Crystal	108 00	
	James McCabe	108 00	
	Patrick Shay	108 00	
	Thomas H. Marston	108 00	
	William M. Long	108 00	
	Cassius M. Thomas	108 00	
	Hudson Decker	108 00	
	Samuel Lee	108 00	
	Charles F. Holbrook, (page)	75 00	
	Charles Carter	60 00	
	James T. Jackson	60 00	
	Lewis Y. Ellis	60 00	
			3,384 00
Charles E. Diemar *et al*	Folders' pay-roll, November, 1871:		
	Charles E. Diemar	108 00	
	Harry Sherwood	108 00	
	William T. Fitch	108 00	
	Samuel H. Decker	108 00	
	William M. Gibson	108 00	
	Joseph J. G. Ball	108 00	
	Charles S. Reisinger	108 00	
	Philip W. Coleman	108 00	
	Augustus Beckert	108 00	
	John A. Travis	108 00	
			1,080 00
William Deplitch *et al*	Folders' pay-roll, November, 1871:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	John C. Rowland	120 00	
	J. M. Shomo	120 00	
	George W. Harris	120 00	
	George D. Crawford	120 00	
	John P. Jefferis	120 00	
	Henry D. Barnitz	108 00	
			1,068 00
Webster Eaton *et al*	Folders' pay-roll, post-office, November, 1871:		
	Webster Eaton	144 00	
	James G. Garland	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Lycurgus J. Rusk	90 00	
			612 00
Bernard McManus *et al*	Speech-folders' pay-roll, November, 1871:		
	Bernard McManus	38 00	
	Andrew C. Craig	28 00	
	Jacob Tabler	23 00	
			89 00
Philp & Solomons	For 121,000 speech-envelopes, at $1.87		226 27
Henry Saunders	For services in folding-rooms, Doorkeeper's department, House of Representatives, from November 1 to 30, 1871, inclusive, at $3.60 per day		108 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
A. E. Ward	For services as watcher and keeping fires in furnaces under folding-rooms, for the month of November, 1871, at $3.60 per day		$108 00
Joseph Reese	For 48 buckets of paste furnished the folding-rooms, House of Representatives, for the month of November, 1871, at $1 per bucket		48 00
G. D. Crawford	Services in folding-room, from December 1 to December 6, 1871		22 16
John E. Hammond *et al*	Folders' pay-roll, December, 1871:		
	John E. Hammond	$150 00	
	John W. Chandler	120 00	
	Julius de Saules	120 00	
	C. M. Bryant	120 00	
	J. T. Chancy, December 1 to December 3	10 44	
	Nelson Joy, December 4 to December 31	109 56	
	W. G. Brower	127 10	
	M. C. Sands, December 1 to December 3	10 80	
	S. S. Strachan	111 60	
	Eugene Burr, December 1 to December 3	10 80	
	Alex. Lynch	111 60	
	W. P. Anderson, December 1 to December 3	10 80	
	W. D. Pemberton	111 60	
	Joshua Webster	111 60	
	John W. Pettit	111 60	
	Henry E. Parker	111 60	
	J. B. Wheeler	111 60	
	J. N. Hubbard	111 60	
	J. H. Dobson	111 60	
	James Crystal	111 60	
	J. McCabe	111 60	
	Patrick Shay	111 60	
	T. H. Marston	111 60	
	W. M. Long	111 60	
	C. M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	S. H. Nealy	111 60	
	J. H. Hersey, 1st to 3d	10 80	
	C. E. Deimar, 4th to 31st	100 80	
	Harry Sherwood, 4th to 31st	100 80	
	W. T. Fitch, 4th to 31st	100 80	
	S. H. Decker, 4th to 31st	100 80	
	W. M. Gibson, 4th to 31st	100 80	
	J. J. G. Ball, 4th to 31st	100 80	
	C. S. Reisinger, 4th to 31st	100 80	
	P. W. Coleman, 4th to 31st	100 80	
	J. A. Travis, 4th to 31st	100 80	
	I. E. W. Thompson, 4th to 31st	100 80	
	W. C. Davis, 4th to 31st	100 80	
	W. C. Johnston, 4th to 31st	100 80	
	J. L. Kenea, 4th to 31st	100 80	
	W. L. Miller, 4th to 31st	100 80	
	R. J. Forbes, 4th to 31st	100 80	
	J. Kirst, 4th to 31st	100 80	
	J. C. Clarke, 4th to 31st	100 80	
	W. C. Sprague, 4th to 31st	100 80	
	William Hopps, 4th to 31st	100 80	
	W. B. Walton, 4th to 31st	100 80	
	Henry Sanders, 4th to 31st	100 80	
	Herman Metius, 4th to 31st	100 80	
	W. W. Ellis, 4th to 31st	200 00	
	W. A. Lewis, 4th to 31st	100 80	
	C. F. Holbrook	77 50	
	L. Y. Ellis	62 00	
	J. T. Jackson	62 00	
	Charles Carter	62 00	
			5,491 80
William Deplich *et al*	Folders' pay-roll, December, 1871:		
	William Deplitch	120 00	
	Lewis Reinburg	120 00	
	A. L. Thomas	120 00	
	J. C. Rowland	120 00	
	J. M. Shomo	120 00	
	G. W. Harris	120 00	
	J. H. Hitchcock	120 00	
	J. J. Gibson, jr	111 60	
			951 60
W. Eaton *et al*	Folders' pay-roll, December, 1871:		
	W. Eaton	144 00	
	G. U. Rose	144 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
W. Eaton *et al.*—Cont'd	Folders' pay-roll, December, 1871:		
	J. W. Russell	$144 00	
	F. A. Wordell	90 00	
	S. Wilson	90 00	
			$612 00
A. C. Craig *et al*	Speech-folders' pay-roll, December, 1871:		
	A. C. Craig	17 00	
	B. McManus	16 00	
	W. S. Martin	16 00	
	Jacob Tabler, jr	16 50	
	James Chappel	20 00	
	John Daily	16 00	
	Charles Peddecord	16 00	
			117 50
C. E. Deimar *et al*	Folders' pay-roll, December, 1871:		
	C. E. Deimar	10 80	
	Harry Sherwood	10 80	
	William T. Fitch	10 80	
	S. H. Decker	10 80	
	W. M. Gibson	10 80	
	J. J. G. Ball	10 80	
	C. S. Reisinger	10 80	
	P. W. Coleman	10 80	
	Augustus Beckert	10 80	
	J. A. Travis	10 80	
			108 00
A. E. Ward	Watcher and keeping fires in furnace under folding-room for December, 1871		111 60
William Deplitch *et al.*	Folders' pay-roll, January, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	J. M. Shomo, 1st to 8th	31 65	
	George S. Stinson, 9th to 31st	88 35	
	George W. Harris	120 00	
	J. H. Hitchcock	120 00	
	J. J. Gibson, jr	111 60	
			831 60
Webster Eaton *et al*	Folders' pay-roll, January, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	J. W. Russell	144 00	
	F. A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
A. C. Craig *et al*	Speech-folders' pay-roll, January, 1872:		
	A. C. Craig	43 50	
	B. McManus	40 50	
	W. S. Martin	35 50	
	Jacob Tabler	31 00	
	James Chapple	45 75	
	John Daily	36 00	
	W. G. Pond	24 25	
	Charles Peddecord	28 50	
			285 00
David Bursley	Service in folding-room from July 15 to September 30, 1871		280 80
David Bursley	Service in folding-room from October 1 to November 30, 1871		219 60
Towers & Mudd	298 pounds soft small twine	98 24	
	366 pounds hard small twine	126 27	
			224 51
A. E. Ward	Services as watcher and keeping fires in furnace under folding-room for January, 1872		111 60
G. J. Ferris	Delivering southern mails and folding, packing, and mailing documents for January, 1872		100 00
Frederick Freeman	Laborer in Door-keeper's department, for January, 1872		60 00
Joseph Reese	58 buckets paste furnished folding-room for January, 1872	58 00	
	56 buckets paste furnished folding-room for December, 1871	56 00	
			114 00
Philp & Solomons	1 electrotype to order	4 50	
	6,000 envelopes, No. 8, at $2.48	14 88	
	500 envelopes, No. 9, at $2.87	1 44	
	1,000 envelopes, No. 10	3 35	
			24 17
J. E. Hammond *et al*	Folders' pay-roll, January, 1872:		
	J. E. Hammond	150 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
J. E. Hammond *et al.*—Continued.	Folders' pay-roll, January, 1872:		
	J. W. Chandler	$120 00	
	Julius de Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	127 10	
	S. S. Strachan	111 60	
	Alex. Lynch	111 60	
	W. D. Pemberton	111 60	
	Joshua Webster	111 60	
	J. W. Pettit	111 60	
	Henry E. Parker	111 60	
	J. B. Wheeler	111 60	
	J. N. Hubbard	111 60	
	J. H. Dobson	111 60	
	James Crystal	111 60	
	J. McCabe	111 60	
	Patrick Shay	111 60	
	T. H. Marston	111 60	
	W. M. Long	111 60	
	C. M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	S. H. Nealy	111 60	
	I. E. W. Thompson	111 60	
	W. C. Johnston	111 60	
	J. L. Kenea	111 60	
	W. L. Miller	111 60	
	R. J. Forbes	111 60	
	J. Kirst	111 60	
	J. C. Clarke	111 60	
	W. C. Sprague	111 60	
	W. B. Walton	111 60	
	Henry Saunders	111 60	
	Herman Metius	111 60	
	W. W. Ellis	111 60	
	W. A. Lewis	111 00	
	C. E. Diemar	111 00	
	Harry Sherwood	111 00	
	W. T. Fitch	111 00	
	S. H. Decker	111 60	
	W. M. Gibson	111 60	
	J. J. G. Ball	111 60	
	C. S. Reisinger	111 60	
	P. W. Coleman	111 60	
	John Seaman	111 60	
	William Harding	111 60	
	J. D. Enos	111 60	
	E. L. Morehouse	111 60	
	W. L. Dantz	111 60	
	A. B Claxton	111 60	
	C. F. Holbrook	77 50	
	L. Y. Ellis	62 00	
	J. T. Jackson	62 00	
			$5,980 60
H. C. Sholes	Services in folding-room, from Januaay 1 to 8, 1872		28 80
J. E. Hammond *et al.*	Folders' pay-roll, February, 1872:		
	J. E. Hammond	150 00	
	J. W. Chandler	120 00	
	J. De Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	118 90	
	S. S. Strachan	104 40	
	Alex. Lynch	104 40	
	W. D. Pemberton	104 40	
	Joshua Webster	104 40	
	J. W. Pettit	104 40	
	H. E. Parker	104 40	
	J. B. Wheeler	104 40	
	J. N. Hubbard	104 40	
	J. H. Dobson	104 40	
	James Crystal	104 40	
	James McCabe	104 40	
	Patrick Shay	104 40	
	Thomas H. Marston	104 40	
	William M. Long	104 40	
	C. M. Thomas	104 40	
	Hudson Decker	104 40	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
J. E. Hammond *et al.*—Continued.	Folders' pay-roll, February, 1872:		
	Samuel Lee	$104 40	
	Sidney H. Nealy	104 40	
	I. E. W. Thompson	104 40	
	W. C. Johnston	104 40	
	J. L. Kenea	104 40	
	W. L. Miller	104 40	
	M. W. Hill	104 40	
	John Kirst	104 40	
	J. C. Clarke	104 40	
	W. C. Sprague	104 40	
	W. B. Walton	104 40	
	Henry Saunders	104 40	
	Herman Metius	104 40	
	W. W. Ellis	104 40	
	W. A. Lewis	104 40	
	C. E. Deimar	104 40	
	Harry Sherwood	104 40	
	W. T. Fitch	104 40	
	S. H. Decker	104 40	
	W. M. Gibson	104 40	
	J. J. G. Ball	104 40	
	C. S. Reisinger	104 40	
	P. W. Coleman	104 40	
	John Seaman	104 40	
	William Harding	104 40	
	J. D. Enos	104 40	
	E. L. Morehouse	104 40	
	W. W. Dantz	104 40	
	A. B. Claxton	104 40	
	C. F. Holbrook	72 50	
	L. Y. Ellis	58 00	
	J. T. Jackson	58 00	
	Wesley Thomas	58 00	
			$5,693 40
William Deplitch *et al.*	Folders' pay-roll, February, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	A. L. Thomas	120 00	
	H. D. Wharton	120 00	
	G. W. Harris	120 00	
	J. H. Hitchcock	120 00	
	John Grady	120 00	
	J. J. Gibson, jr	104 40	
			944 40
Webster Eaton *et al.*	Folders' pay-roll, February, 1872:		
	Webster Eaton	144 00	
	G. U. Rose	144 00	
	J. W. Russell	144 00	
	F. A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
Andrew C. Craig *et al.*	Speech-folders' pay-roll, February, 1872:		
	Andrew C. Craig	82 40	
	Bernard McManus	83 20	
	W. S. Martin	81 00	
	Jacob Tabler	82 50	
	James Chapple	88 00	
	John Clarvoe	43 50	
	W. G. Pond	51 25	
	E. R. Nichols	49 00	
	John Daily	81 75	
	H. M. Clarke	39 00	
	Charles Peddecord	61 75	
	E. P. Dickinson	19 50	
	Henry Meader	50 75	
			813 60
Oliver Walker	Services in folding-room from January 10 to January 31, 1872		79 20
Oliver Walker	Services in folding-room for February, 1872		104 40
A. E. Ward	Services as watcher and keeping fires in furnace under folding-room for February, 1872		104 40
G. J. Ferriss	Delivering southern mail and folding, packing, and mailing documents for February, 1872		100 00
Joseph Reese	50 buckets paste, furnished folding-room during February, 1872		50 00
William Hopps	Services in folding-room for February, 1872		72 50
Philp & Solomons	3,000 buff envelopes, xx		18 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
J. E. Hammond *et al*....	Folders' pay-roll, March, 1872:		
	J. E. Hammond	$150 00	
	J. W. Chandler	120 00	
	Julius De Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	127 10	
	S. S. Strachan	111 60	
	Alexander Lynch	111 60	
	W. D. Pemberton	111 60	
	Joshua Webster	111 60	
	J. W. Pettit	111 60	
	H. E. Parker	111 60	
	J. B. Wheeler	111 60	
	J. N. Hubbard	111 60	
	J. H. Dobson	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Patrick Shay	111 60	
	Thomas H. Marston	111 60	
	W. M. Long	111 60	
	C. M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	S. H. Nealy	111 60	
	I. E. W. Thompson	111 60	
	W. C. Johnston	111 60	
	J. L. Kenea	111 60	
	W. L. Miller	111 60	
	M. W. Hill	111 60	
	John Kirst	111 60	
	Joseph C. Clarke	111 60	
	W. C. Sprague	111 60	
	W. B. Walton	111 60	
	Henry Sanders	111 60	
	Herman Metius	111 60	
	W. W. Ellis	111 60	
	W. A. Lewis	111 60	
	C. E. Deimar	111 60	
	Harry Sherwood	111 60	
	W. T. Fitch	111 60	
	Samuel H. Decker	111 60	
	W. M. Gibson	111 60	
	J. J. G. Ball	111 60	
	C. S. Reisinger	111 60	
	P. W. Coleman	111 60	
	John Seaman	111 60	
	William Harding	111 60	
	J. D. Enos	111 60	
	Henry Cliff	111 60	
	William W. Dantz	111 60	
	A. B. Claxton	111 60	
	C. F. Holbrook	77 50	
	L. Y. Ellis	62 00	
	J. T. Jackson	62 00	
	Wesley Thomas	62 00	
			$6,042 60
Webster Eaton *et al*....	Folders' pay-roll, March, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
William Deplitch *et al*..	Folders' pay-roll, March, 1872:		
	William Deplitch	120 00	
	Louis Reinburgh	120 00	
	A. L. Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	J. J. Gibson, jr	111 60	
	W. G. McMichael, 22d to 31st	39 56	
			991 16
Andrew C. Craig *et al*..	Speech-folders' pay-roll, March, 1872:		
	Andrew C. Craig	50 00	
	Bernard McManus	50 00	
	Willie S. Martin	52 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
Andrew C. Craig *et al.*—Continued.	Speech-folders' pay-roll, March, 1872:		
	Jacob Tabler	$47 25	
	James Chapple	60 00	
	John Clarvoe	29 50	
	Willie G. Pond	34 00	
	Edgar R. Nichols	29 50	
	John Daily	47 00	
	Horace M. Clark	29 00	
	Charles Peddecord	38 25	
	Edward P. Dickinson	26 45	
	Robert Johnston	23 75	
	Galvin R. Clavaridge	22 00	
	Henry S. Szegedy	24 75	
	Oscar Ford	21 25	
	Eddie McNeir	8 50	
			$593 20
Oliver Walker	Services in folding-room for March, 1872		111 60
A. E. Ward	Services as watcher and keeping fires in furnaces for March, 1872		111 60
G. J. Ferriss	Delivering southern mails, and folding, packing, and mailing documents during March, 1872		100 00
Joseph Reese	60 buckets paste, furnished folding-room during March, 1872		60 00
W. G. McMichael	Services in folding-room during April, 1872		120 00
A. E. Ward	Services as watcher and for keeping fires in furnace under folding-room for April, 1872		108 00
G. J. Ferriss	Delivering southern mail, and for folding, packing, and mailing documents during April, 1872		100 00
Joseph Reese	53 buckets paste furnished folding-room during April, 1872		53 00
Oliver Walker	Services in folding-room for April, 1872		108 00
Oliver Walker	Services in folding-room from May 1 to 14, 1872		50 40
John E. Hammond *et al.*	Folders' pay-roll, April, 1872:		
	John E. Hammond	150 00	
	J. W. Chandler	120 00	
	Julius De Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	123 00	
	S. S. Strachan	108 00	
	Alexander Lynch	108 00	
	W. B. Pemberton	108 00	
	Joshua Webster	108 00	
	J. W. Pettit	108 00	
	H. E. Parker	108 00	
	J. B. Wheeler	108 00	
	J. N. Hubbard	108 00	
	J. H. Dobson	108 00	
	James Crystal	108 00	
	James McCabe	108 00	
	Patrick Shay	108 00	
	T. H. Marston	108 00	
	W. M. Long	108 00	
	C. M. Thomas	108 00	
	Hudson Decker	108 00	
	Samuel Lee	108 00	
	S. H. Nealy	108 00	
	I. E. W. Thompson	108 00	
	W. L. Johnston	108 00	
	J. L. Kenea	108 00	
	W. L. Miller	108 00	
	M. W. Hill	108 00	
	John Kirst	108 00	
	J. C. Clarke	108 00	
	W. C. Sprague	108 00	
	W. B. Walton	108 00	
	Henry Sanders	108 00	
	Herman Metius	108 00	
	W. W. Ellis	108 00	
	W. A. Lewis	108 00	
	C. E. Deimar	108 00	
	E. L. Morehouse	108 00	
	W. T. Fitch	108 00	
	S. H. Decker	108 00	
	W. M. Gibson	108 00	
	W. T. Fitch	108 00	
	J. J. G. Ball	108 00	
	C. S. Reisinger	108 00	
	P. W. Coleman	108 00	
	R. N. Hall	108 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al.*—Continued.	Folders' pay-roll, April, 1872:		
	William Harding	$108 00	
	J. D. Enos	108 00	
	Henry Cliff	108 00	
	W. W. Dantz	108 00	
	A. B. Claxton	108 00	
	C. F. Holbrook	75 00	
	L. Y. Ellis	60 00	
	J. T. Jackson	60 00	
	Wesley Thomas	60 00	
			$5,868 00
William Deplitch *et al.*	Folders' pay-roll, April, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	George Francis Dawson	120 00	
	J. J. Gibson, jr	108 00	
			1,068 00
Webster Eaton *et al.*	Folders' pay-roll, April, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
Andrew C. Craig *et al.*	Speech-folders' pay-roll, April, 1872:		
	Andrew C. Craig	26 25	
	Bernard McManus	25 75	
	James Chapple	52 25	
	Willie G. Pond	22 25	
	John Daly	33 75	
	Willie S. Martin	33 75	
	Henry S. Szegedy	20 75	
	Oscar Ford	20 50	
	John E. McNeir	17 25	
	Horace M. Clark	20 50	
	Jacob Tabler	30 75	
	John Clarvoe	16 50	
	Edgar R. Nichols	20 75	
	E. P. Dickinson	19 25	
	Robert Johnston	19 25	
	Galvin R. Clavaridge	17 50	
	Charles Peddecord	29 75	
			426 75
Philp & Solomons	127,000 speech-envelopes, at $1.87	237 49	
	100,000 speech-envelopes, at $1.87	187 00	
	77,000 speech-envelopes, at $1.87	143 99	
	20,000 speech-envelopes, at $1.87	37 40	
	136,000 speech-envelopes, at $1.87	254 32	
			860 20
J. H. Dobson	Services in folding-room from May 1 to 29, 1872		104 40
H. M. Clark	Folding 20,000 speeches, at $1 per 1,000, during May, 1872		20 00
W. G. McMichael	Services in folding-room for May, 1872		120 00
G. J. Ferriss	Folding, packing, and mailing documents, and delivering southern mails, for May, 1872		100 00
John Kirst	Services in folding-room, from June 1 to 3, 1872		10 80
J. E. Hammond *et al.*	Folders' pay-roll, May, 1872:		
	J. E. Hammond	150 00	
	J. W. Chandler	120 00	
	J. De Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	127 10	
	S. S. Strachan	111 60	
	Alexander Lynch	111 60	
	W. D. Pemberton	111 60	
	Joshua Webster	111 60	
	J. W. Pettit	111 60	
	Henry E. Parker	111 60	
	J. B. Wheeler	111 60	
	J. N. Hubbard	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Patrick Shay	111 60	
	T. H. Marston	111 60	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
J. E. Hammond *et al.*—Continued.	Folders' pay-roll, May, 1872:		
	W. M. Long	$111 60	
	C. M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	S. H. Nealy	111 60	
	I. E. W. Thompson	111 60	
	W. C. Johnston	111 60	
	J. L. Kenea	111 60	
	W. L. Miller	111 60	
	M. W. Hil!	111 60	
	John Kirst	111 60	
	J. C. Clarke	111 60	
	W. B. Walton	111 60	
	Henry Sanders	111 60	
	Herman Metius	111 60	
	W. W. Ellis	111 60	
	W. A. Lewis	111 60	
	C. E. Diemar	111 60	
	E. L. Morehouse	111 60	
	W. T. Fitch	111 60	
	S. H. Decker	111 60	
	W. M Gibson	111 60	
	J. J. G. Ball	111 60	
	Charles Reisinger	111 60	
	Harry Sherwood	111 60	
	P. W. Coleman	111 60	
	R. N. Hall	111 60	
	William Harding	111 60	
	J. D. Enos	111 60	
	Henry Cliff	111 60	
	W. W. Dantz	111 60	
	A. B. Claxton	111 60	
	C. F. Holbrook	77 50	
	L. Y. Ellis	62 00	
	J. T. Jackson	62 00	
	Wesley Thomas	62 00	
			$5, 931 00
William Deplitch *et al.*	Folders' pay-roll, May, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	George F. Dawson	120 00	
	J. J. Gibson, jr	111 60	
			1, 071 60
Webster Eaton *et al*	Folders' pay-roll, May, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
Andrew C. Craig *et al.*	Speech-folders' pay-roll, May, 1872:		
	Andrew C. Craig	42 75	
	Bernard McManus	41 00	
	Willie G. Pond	25 75	
	John Daly	30 75	
	Willie S. Martin	38 75	
	Henry S. Szegedy	35 25	
	Oscar Ford	29 75	
	John E. McNeir	27 00	
	Jacob Tabler	36 75	
	James Chapple	62 50	
	John Clarvoe	25 75	
	Edgar R. Nichols	28 50	
	Edward P. Dickinson	25 75	
	Robert Johnston	24 50	
	Galvin R. Clavaridge	20 25	
	Charles Peddecord	32 25	
			527 25
A. E. Ward	Services as watcher, and keeping fires in furnace under folding-room, for May, 1872		111 60
Joseph Reese	58 buckets paste furnished folding-room during May, 1872		58 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
John E. Hammond *et al.*—Continued.	Folders' pay-roll, April, 1872:		
	William Harding	$108 00	
	J. D. Enos	108 00	
	Henry Cliff	108 00	
	W. W. Dautz	108 00	
	A. B. Claxton	108 00	
	C. F. Holbrook	75 00	
	L. Y. Ellis	60 00	
	J. T. Jackson	60 00	
	Wesley Thomas	60 00	
			$5,868 00
William Deplitch *et al.*	Folders' pay-roll, April, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	George Francis Dawson	120 00	
	J. J. Gibson, jr	108 00	
			1,068 00
Webster Eaton *et al.*	Folders' pay-roll, April, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
Andrew C. Craig *et al.*	Speech-folders' pay-roll, April, 1872:		
	Andrew C. Craig	26 25	
	Bernard McManus	25 75	
	James Chapple	52 25	
	Willie G. Pond	22 25	
	John Daly	33 75	
	Willie S. Martin	33 75	
	Henry S. Szegedy	20 75	
	Oscar Ford	20 50	
	John E. McNeir	17 25	
	Horace M. Clark	20 50	
	Jacob Tabler	30 75	
	John Clarvoe	16 50	
	Edgar R. Nichols	20 75	
	E. P. Dickinson	19 25	
	Robert Johnston	19 25	
	Galvin R. Clavaridge	17 50	
	Charles Peddecord	29 75	
			426 75
Philp & Solomons	127,000 speech-envelopes, at $1.87	237 49	
	100,000 speech-envelopes, at $1.87	187 00	
	77,000 speech-envelopes, at $1.87	143 99	
	20,000 speech-envelopes, at $1.87	37 40	
	136,000 speech-envelopes, at $1.87	254 32	
			860 20
J. H. Dobson	Services in folding-room from May 1 to 29, 1872		104 40
H. M. Clark	Folding 20,000 speeches, at $1 per 1,000, during May, 1872		20 00
W. G. McMichael	Services in folding-room for May, 1872		120 00
G. J. Ferriss	Folding, packing, and mailing documents, and delivering southern mails, for May, 1872		100 00
John Kirst	Services in folding-room, from June 1 to 3, 1872		10 80
J. E. Hammond *et al.*	Folders' pay-roll, May, 1872:		
	J. E. Hammond	150 00	
	J. W. Chandler	120 00	
	J. De Saules	120 00	
	C. M. Bryant	120 00	
	Nelson Joy	120 00	
	W. G. Brower	127 10	
	S. S. Strachan	111 60	
	Alexander Lynch	111 60	
	W. D. Pemberton	111 60	
	Joshua Webster	111 60	
	J. W. Pettit	111 60	
	Henry E. Parker	111 60	
	J. B. Wheeler	111 60	
	J. N. Hubbard	111 60	
	James Crystal	111 60	
	James McCabe	111 60	
	Patrick Shay	111 60	
	T. H. Marston	111 60	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
J. E. Hammond *et al.*—Continued.	Folders' pay-roll, May, 1872:		
	W. M. Long	$111 60	
	C. M. Thomas	111 60	
	Hudson Decker	111 60	
	Samuel Lee	111 60	
	S. H. Nealy	111 60	
	I. E. W. Thompson	111 60	
	W. C. Johnston	111 60	
	J. L. Kenea	111 60	
	W. L. Miller	111 60	
	M. W. Hill	111 60	
	John Kirst	111 60	
	J. C. Clarke	111 60	
	W. B. Walton	111 60	
	Henry Sanders	111 60	
	Herman Metius	111 60	
	W. W. Ellis	111 60	
	W. A. Lewis	111 60	
	C. E. Diemar	111 60	
	E. L. Morehouse	111 60	
	W. T. Fitch	111 60	
	S. H. Decker	111 60	
	W. M Gibson	111 60	
	J. J. G. Ball	111 60	
	Charles Reisinger	111 60	
	Harry Sherwood	111 60	
	P. W. Coleman	111 60	
	R. N. Hall	111 60	
	William Harding	111 60	
	J. D. Enos	111 60	
	Henry Cliff	111 60	
	W. W. Dantz	111 60	
	A. B. Claxton	111 60	
	C. F. Holbrook	77 50	
	L. Y. Ellis	62 00	
	J. T. Jackson	62 00	
	Wesley Thomas	62 00	
			$5,931 00
William Deplitch *et al.*	Folders' pay-roll, May, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	George F. Dawson	120 00	
	J. J. Gibson, jr	111 60	
			1,071 60
Webster Eaton *et al*	Folders' pay-roll, May, 1872:		
	Webster Eaton	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	Sanders Wilson	90 00	
			612 00
Andrew C. Craig *et al.*	Speech-folders' pay-roll, May, 1872:		
	Andrew C. Craig	42 75	
	Bernard McManus	41 00	
	Willie G. Pond	25 75	
	John Daly	30 75	
	Willie S. Martin	38 75	
	Henry S. Szegedy	35 25	
	Oscar Ford	29 75	
	John E. McNeir	27 00	
	Jacob Tabler	36 75	
	James Chapple	62 50	
	John Clarvoe	25 75	
	Edgar R. Nichols	28 50	
	Edward P. Dickinson	25 75	
	Robert Johnston	24 50	
	Galvin R. Clavaridge	20 25	
	Charles Peddecord	32 25	
			527 25
A. E. Ward	Services as watcher, and keeping fires in furnace under folding-room, for May, 1872		111 60
Joseph Reese	58 buckets paste furnished folding-room during May, 1872		58 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
Charles M. Bryant *et al.*	Folders' pay-roll, June, 1872:		
	Charles M. Bryant	$120 00	
	Nelson Joy	120 00	
	Alexander Lynch	108 00	
	W. D. Pemberton	108 00	
	J. W. Pettit	108 00	
	H. E. Parker	108 00	
	J. B. Wheeler	108 00	
	T. H. Marston	108 00	
	Samuel Lee	108 00	
	S. H. Nealy	108 00	
	I. E. W. Thompson	108 00	
	J. L. Kenea	108 00	
	W. L. Miller	108 00	
	J. C. Clarke	108 00	
	W. B. Walton	108 00	
	W. W. Ellis	108 00	
	W. A. Lewis	108 00	
	E. L. Morehouse	108 00	
	William Harding	108 00	
	A. B. Claxton	108 00	
	C. F. Holbrook	75 00	
	Wesley Thomas	60 00	
	J. T. Jackson	60 00	
			$2,379 00
J. E. Hammond *et al.*	Folders' pay-roll, June, 1872:		
	J. E. Hammond	150 00	
	Julius De Saules	120 00	
	J. W. Chandler	120 00	
	W. G. Brower	123 00	
	S. S. Strachan	108 00	
	Joshua Webster	108 00	
	J. N. Hubbard	108 00	
	James Crystal	108 00	
	James McCabe	108 00	
	Patrick Shay	108 00	
	W. M. Long	108 00	
	C. M. Thomas	108 00	
	Henry Sanders	108 00	
	L. Y. Ellis	60 00	
			1,545 00
Charles E. Diemar *et al.*	Folders' pay-roll, June, 1872, (House resolution, May 24, 1872:)		
	Charles E. Diemar	108 00	
	Henry Sherwood	108 00	
	William T. Fitch	108 00	
	Samuel H. Decker	108 00	
	William M. Gibson	108 00	
	Joseph J. G. Ball	108 00	
	P. W. Coleman	108 00	
	Charles S. Reisinger	108 00	
	William W. Dantz	108 00	
	Hudson Decker,	108 00	
	Richard N. Hall	108 00	
	Henry Cliff	108 00	
			1,296 00
William Deplitch *et al.*	Folders' pay-roll, June, 1872:		
	William Deplitch	120 00	
	Louis Reinburg	120 00	
	Arthur L. Thomas	120 00	
	Henry D. Wharton	120 00	
	George W. Harris	120 00	
	James H. Hitchcock	120 00	
	John Grady	120 00	
	George F. Dawson	120 00	
	J. J. Gibson, jr	108 00	
			1,068 00
Gilbert J. Ferriss *et al.*	Folders' pay-roll, June, 1872:		
	Gilbert J. Ferriss	144 00	
	George U. Rose	144 00	
	John W. Russell	144 00	
	Frank A. Wordell	90 00	
	John D. Severn	90 00	
			612 00
Charles H. Sewell *et al.*	Folders' pay-roll, June, 1872:		
	Charles H. Sewell, from June 11 to 30	72 00	
	John H. Hersey, from June 11 to 30	72 00	
	George W. Nares, from June 11 to 30	72 00	
	Albert G. Bradstreet, from June 11 to 30	72 00	
	Oscar Eastmond, from June 11 to 30	72 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	SERVICE—Continued.		
Charles H. Sewell *et al.*—Continued.	Folders' pay-roll, June, 1872:		
	Moses C. Sands, from June 11 to 30	$72 00	
	Eugene Burr, from June 11 to 30	72 00	
	Winfield P. Lawver, from June 11 to 30	72 00	
			$576 00
George Wilford *et al*	Folders' pay-roll, June, 1872:		
	George Wilford, from June 11 to 30	72 00	
	Thomas H. Harper, from June 11 to 30	72 00	
			144 00
Webster Eaton	Folding, packing, and mailing documents in post-office House of Representatives, for June, 1872		100 00
A. E. Ward	Watcher, and keeping fires in furnace under folding-room, for June, 1872		108 00
Philp & Solomons	154,000 speech-envelopes, at $1.87	287 98	
	343 pounds twine, at 27 cents	92 61	
	40,000 speech-envelopes, at $1.87	74 80	
	109,000 speech-envelopes, at $1.87	203 83	
	38,000 speech-envelopes, at $1.87	71 06	
	163 pounds hemp-twine, at 27 cents	44 01	
	300 pounds hemp-twine, 3-ply, at 30 cents	90 00	
	321½ pounds hemp-twine, 3-ply, at 33 cents	106 10	
	14,000 speech-envelopes, at $1 87	26 18	
	15,500 buff xx No. 10 envelopes, at $4.05	62 77	
	17,000 buff xx No. 9 envelopes, at $3,75	63 75	
	26,000 buff xx No. 9 envelopes, at $3.75	97 50	
	12,500 buff xx No. 10 envelopes, at $4.05	50 62	
	50,000 speech-envelopes, at $1.87	93 50	
	31,000 speech-envelopes, at $1.87	57 97	
	64,000 speech-envelopes, at $1.87	119 68	
	13,000 buff xx No. 9 envelopes, at $3.75	48 75	
	2,000 buff xxx No. 12 envelopes, at $6.75	13 50	
	90 reams Manila paper, 29x24, $5.68	511 20	
	8,000 buff envelopes, xxx No. 12, at $6.75	54 00	
	28,000 buff envelopes, xx No. 9, at $3.75	105 00	
	45,000 speech-envelopes, at $1.87	84 15	
			2,358 96
James L. Kervand	50,000 buff envelopes, No. 10, at $2.89		144 50
William Ballantyne	12,000 buff envelopes, 8¼x3¾, at $2.94	35 28	
	20,000 buff envelopes, No. 12, at $5	100 00	
	125,000 buff envelopes, No. 8, at $2.85	356 25	
	550,000 speech-envelopes, at $1.80	990 00	
			1,481 53
Clarence Benson *et al.*	Speech-folders' pay-roll, June, 1872:		
	Clarence Benson	14 00	
	Jacob Tabler	16 97	
	John Clarvoe	13 25	
	Edgar R. Nichols	13 37	
	Edward P. Dickinson	13 90	
	Robert Johnston	14 22	
	Galvin R. Clavaridge	9 35	
	Andrew C. Craig	17 75	
	Bernard McManus	18 12	
	Willie G. Pond	12 10	
	William B. Daly	12 60	
	Willie S. Martin	19 25	
	Henry S. Szegedy	11 82	
	Oscar Ford	15 55	
	John E. McNeir	10 40	
	Charles F. Izard	9 25	
	Thomas J. Coffey	3 97	
	Charles Peddicord	18 90	
	Rowland Cromlein	6 87	
	James Chapple	60 00	
			311 64
W. J. Murtagh	Publishing proposals for ice, 17 lines, 2 times		8 50
Joseph Reese	62 bucket paste furnished folding-room during June, 1872		62 00
B. Hutchins	100 cords pine-wood, at $5.15 per cord		515 00
B. Hutchins	700 1340-2240 tons furnace-coal, at $6.25 per ton		4,378 73
J. E. Miller	65 cords oak wood, at $6.53 per cord		424 45
James G. Berret	Advertising proposals for fuel, 5 squares, 4 times		12 50
James Ladd	Advertising proposals for fuel, 5 squares, once a week, 4 weeks		20 00
C. T. Yoder	15 cords pine-wood, at $5.90 per cord		88 50
C. T. Yoder	33 cords hickory-wood, at $8.22 per cord		271 26
Benjamin Thomas	Sawing wood		12 50

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FUEL AND LIGHTS—Continued.		
William Long	Sawing, splitting, and piling 4 cords wood, at $3 per cord		$12 00
William Guinand	30 cords bakers'-pine wood, at $8.50		255 00
N. E. Miller	Publishing proposals for fuel, 6 squares, 4 times		12 00
William Guinand	151 1450-2240 tons white-ash coal—contract of April 24, 1872		923 53
Somerville & Leitch	1 barrel tallow for engine	$30 00	
	1 silver-plated stop-cock	3 25	
			33 25
James Ladd	Publishing proposals for fuel in Chronicle		12 00
W. J. Murtagh	Publishing proposals for fuel in Republican		16 50
S. H. Kaufman	Publishing proposals for fuel in Evening Star		12 00
	FURNITURE AND REPAIRS.		
John R. Hunt	Work on wash-stands, committee-rooms, 44 days' cabinet-work, at $4 per day	176 00	
	Shelving in store-room	10 90	
	196 feet of walnut, at 13 cents per foot	25 48	
	18 brass catches, at 25 cents each	4 50	
	Coal-bins, engineer's department	39 80	
	Repairing 15 chairs	7 50	
	1 three-tumbler lock, folding-room	2 25	
	Repairs, folding-room	2 00	
	Removing desks, House of Representatives	7 00	
			275 43
Joseph Reese	Upholsterer to House of Representatives for month of July, 1871		120 00
Thomas P. Bell	Services on furniture in the hall and committee-rooms of the House of Representatives in July, 1871, at $2.50 per day		77 50
B. F. French	2 dozen combination locks, at $24		48 00
L. C. Parke & Co.	10 feet tubing, $5; 1 Argand burner and chimney, $1.25	6 25	
	1 goose-neck, 75 cents; 1 porcelain shade, $3.25	4 00	
	1 drop-light, $2; 30 feet tubing, $15; 1 goose-neck, 75 cents	17 75	
			28 00
Thomas P. Bell	Services on furniture in the hall and committee-rooms of the House of Representatives for the month of August, 1871, at $2.50 per day		77 50
Joseph Reese	Services as upholsterer to the House of Representatives for the month of August, 1871, at $1,440 per annum		120 00
Joseph Reese	Services as upholsterer to the House of Representatives for the month of September, 1871, at $1,440 per annum		120 00
Thomas P. Bell	Services on furniture in the hall and committee-rooms of the House of Representatives for the month of September, 1871, at $2.50 per day		75 00
Joseph Reese	Services as upholsterer to the House of Representatives for the month of October, 1871, at $1,440 per annum		120 00
Thomas P. Bell	Services on furniture in the hall and committee-rooms of the House of Representatives for the month of October, 1871, at $2.50 per day		77 50
John R. Hunt	Building harness-room, House stables	22 75	
	Linen covering for Speaker's, clerks', and reporters' desks	23 00	
	Hinges for door, and hanging same, folding-room	1 25	
	Repairing tables, folding-room	4 00	
	Walnut wash-stand, reporters' gallery	18 00	
	8 days' carpenter's work, with plumber, $4 per day	32 00	
	Hooping 2 boxes, at 75 cents per box	1 50	
	150 feet walnut-molding for House hall, at 6 cents per foot	9 00	
	55 yards blue cloth for House hall, at $4 per yard	220 00	
	Covering, cleaning, and varnishing 257 desks, at $1.25 each	321 25	
	Building feed-bins, Door-keeper's department	21 50	
			674 25
John S. Willard & Co.	6 25 by 36 6-inch gold frames, ornamented corners, at $32.50	195 00	
	Boxing	3 00	
			198 00
D. W. Bates	Winding and regulating clocks for the House of Representatives for the month of July, 1871		25 00
D. W. Bates	Winding and regulating clocks for the House of Representatives for the month of August, 1871		25 00
D. W. Bates	Winding and regulating clocks for the House of Representatives for the month of September, 1871		25 00
D. W. Bates	Winding and regulating clocks for the House of Representatives for the month of October, 1871		25 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
Mary C. Ellis *et al*	Pay-roll, (sewing carpets,) November, 1871:		
	Mary C. Ellis, 19 days, at $1.25 per day	$23 75	
	Sarah Hodgson, 14 days, at $1.25 per day	17 50	
	Maggie Gray, 2 days, at $1.25 per day	2 50	
	Lydia A. Allen, 10 days, at $1.25 per day	12 50	
	Rose Brown, 11 days, at $1.25 per day	13 75	
	Sarah Baile, 8 days, at $1.25 per day	10 00	
	Kate Prather, 8 days, at $1.25 per day	10 00	
	Vinia Talbert, 8 days, at $1.25 per day	10 00	
	Sarah A. Smith, 12 days, at $1.25 per day	15 00	
	Ja e Meader, 10 days, at $1.25 per day	12 50	
	Mary Warner, 10 days, at $1.25 per day	12 50	
	Grace McCullom, 10 days, at $1.25 per day	12 50	
	Margaret Mortimer, 11 days, at $1.25 per day	13 75	
	Ida Bar, 12 days, at $1.25 per day	15 00	
	Cora Thompson, 8 days, at $1.25 per day	10 00	
	Annie Gardner, 11 days, at $1.25 per day	13 75	
	Laura Little, 9 days, at $1.25 per day	11 25	
	Sarah Locke, 9 days, at $1.25 per day	11 25	
	Bridget Shreve, 6 days, at $1.25 per day	7 50	
	Sophia Cook, 13 days, at $1.25 per day	16 25	
	Eliza Martin, 6 days, at $1.25 per day	7 50	
	Louisa Parlin, 8 days, at $1.25 per day	10 00	
	Margaret Stockett, 9 days, at $1.25 per day	11 25	
	Mary Groves, 10 days, at $1.25 per day	12 50	
	Jane Watt, 9 days, at $1.25 per day	11 25	
	Kate Smith, 2 days, at $1.25 per day	2 50	
	Sophia Martin, 6 days, at $1.25 per day	7 50	
			$313 75
Joseph Reese	For services as upholsterer to the House of Representatives for the month of November, 1871, at $1,440 per annum		120 00
Thomas P. Bell	For services on furniture in the hall and committee-rooms of the House of Representatives for November, 1871, at $2.50 per day		75 00
D. W. Bates	For winding and regulating clocks for the House of Representatives for November, 1871		25 00
John R. Hunt	Varnishing 9 chairs, $2.70; 2 wash-stands, $1; 2 book-cases, $5	8 70	
	Varnishing desk, $1; table, $1; sofa, 75 cents; wood-box, 38 cents; fire-screen and clock, $1	4 13	
	Varnishing and covering with cloth large table, $15.33; 18 chairs, $5.40; 2 book-cases, $6	26 73	
	Varnishing hat-tree, 50 cents; map-rack, $1; sofa, 75 cents; wood-box, 38 cents; water-closet, $1	3 63	
	Varnishing 2 wash-stands	1 00	
	Varnishing and covering with cloth small table	1 75	
	Varnishing and covering with cloth large table	15 33	
	Varnishing and covering with cloth desk	3 50	
	Committee-room on Judiciary:		
	Varnishing 21 chairs, $6.30; 2 book-cases, $6	12 30	
	Varnishing 2 sofas, $1.50; wood-box, 38 cents; 2 wash-stands, $1	2 88	
	Varnishing water-closet, $1; map-rack, 50 cents; hat-tree, 50 cents	2 00	
	Varnishing and covering with cloth 3 tables	38 33	
	Committee-room on Foreign Affairs:		
	Varnishing 14 chairs, $4.20; book-case, $2; wash-stand, 50 cents	6 70	
	Varnishing sofa, 75 cents; hat-tree, 50 cents; clock, 25 cents; table, $1	2 50	
	Varnishing and repairing 2 desks	2 00	
	Committee-room on Militia:		
	Varnishing 10 chairs, $3; sofa, 75 cents; desk, $1; hat-tree, 50 cents	5 25	
	Varnishing wash stand, 50 cents; book-case, $2	2 50	
	Varnishing and covering table	2 00	
			141 23
G. M. Wight	6 high revolving-stools, folding-room, at $6.50	39 00	
	72 heavy oak chairs, hall, at $10	720 00	
	448 yards wool damask, gallery, at $1.75	855 75	
	489 yards wool braid, gallery, at 12 cents	58 68	
	12 days' work upholstering gallery, hall, &c., at $4.50	54 00	
	Repairing table and sofa, and covering table Speaker's room	20 00	
	2 large circular cushions for hall, at $9.50	19 00	
	1 desk, Committee on Appropriations	75 00	
	1 case, Committee on Appropriations	15 00	
	1 revolving-chair, Committee on Appropriations	19 00	
			1,875 43

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
	Ladies' reception-room:		
John R. Hunt	Varnishing 8 chairs, $2.40; 2 stands, $1	$3 40	
	Varnishing table and sofa	1 25	
	Rear lobby:		
	Walnut carpet-sills, $3; repairing doors, $1	4 00	
	Clerk's office—journal clerk's room:		
	Repairing desk, 50 cents; carpet-sill and repairing, (folding-room,) 75 cents	1 25	
	Lock Committee-room Public Buildings and Grounds	1 00	
	Clerk's office:		
	4 16-foot carpet trussels, $8; repairing 6 chairs, $6	14 00	
	Cloak-room:		
	Hat-hooks, $1.62; repairs, $1; wash-stand, $1	3 62	
	Hall, cloak-rooms, lobbies, &c.:		
	Hooks for doors, 38 cents; 7 gross screws, $5.25	5 63	
	4 tumbler-locks, $2.50; 4 locks, clerk's desk, $4	6 50	
	Fitting 5 locks, at 50 cents	2 50	
	Varnishing 42 small chairs	10 50	
	Varnishing 23 sofas, $17.25; 13 wash-stands, $6.50	23 75	
	Varnishing 2 tables, $1; covering desks, $4.50	5 50	
	Varnishing gallery seats, $12.50; covering table, $3	15 50	
	Repairing, re-covering, and remodeling Speaker's, Clerk's, and reporters' desks	28 25	
	Silver-plated screws for the above	3 00	
			$130 15
	Committee of Ways and Means:		
John R. Hunt	Varnishing 20 chairs, $6; 6 book-cases, $12	18 00	
	Varnishing 2 desks, $2; large table, $1; small table, 50 cents	3 50	
	Varnishing 4 sofas, $3; 2 hat-trees, $1; 2 screens, $1	5 00	
	Varnishing step-ladder, 25 cents; wash-stand, 50 cents	75	
	Committee on Military Affairs:		
	Varnishing 14 chairs, $4.20; 2 desks, $2	6 20	
	Varnishing 2 sofas, $1.50; large table, $1; small table, 50 cents	3 00	
	Varnishing and repairing 2 book-cases, $3.50; hat-tree, 50 cents; wash-stand, 50 cents	4 50	
	Varnishing and repairs	1 50	
	Committee on Naval Affairs:		
	Varnishing 10 chairs, $3; book-case, $3; wood-box, 38 cents	6 38	
	Varnishing small table, 50 cents; 2 sofas, $1.50; 2 book-stands, $1	3 00	
	Varnishing 1 book-rack	25	
	Varnishing and covering table with cloth, $18; varnishing and covering table with cloth, $4	22 00	
	Clerk's office—journal room:		
	Varnishing 9 chairs, $2.70; sofa, 75 cents; wash-stand, 50 cents	3 95	
	Varnishing 3 file-cases $15; hat-tree, 50 cents	15 50	
	Varnishing and covering with cloth 2 large desks	10 00	
	Clerk's office—enrolling-room:		
	Varnishing 5 chairs, $1.50; 6 desks, $6	7 50	
	Varnishing 2 file-cases, $4; wash-stand, 50 cents; table, 50 cents	5 00	
	Varnishing hat-tree, 50 cents; messengers' desk and railing, $5	5 50	
	Committee on Mines and Mining:		
	Repairing wash-stand and putting on locks	75	
			122 28
	Committee of Claims:		
John R. Hunt	Varnishing 13 chairs, $3.90; wood-box, 38 cents; 2 wash-stands, $1	5 28	
	Varnishing hat-tree, 50 cents; sofa, 75 cents; 3 book-cases, $6	7 25	
	Varnishing and covering 2 tables and desks	26 00	
	Committee on Private Land-Claims:		
	Varnishing 12 chairs, $3.60; sofa, 75 cents; large table, $1	5 35	
	Varnishing wash-stand, 50 cents; stand, 25 cents; book-case, $2; hat-tree, 50 cents	3 25	
	Varnishing and covering 1 table and desk, $9; 1 table, 50 cents	9 50	
	Speaker's room:		
	Repairing and polishing furniture	15 75	
	Reporter's gallery:		
	Varnishing 3 wash-stands, $1.50; 3 water-closets, $2.25	3 75	
	Varnishing counter, $2.25; varnishing and repairing table, $1.50	3 75	
	Varnishing 3 desks, $1.50; sofa, 75 cents; 9 chairs, $2.70	4 95	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
John R. Hunt—Cont'd	Varnishing 2 book-cases	$1 50	
	Ladies' retiring-room:		
	Varnishing 11 chairs, $3.30; 3 sofas, $2.25	5 55	
	Varnishing 3 wash-stands, $1.50; table, 50 cents; wardrobe, $1	3 00	
	Varnishing 2 water-closets	2 00	
	Water-closet, House of Representatives:		
	Varnishing water-closets	8 00	
	Clerk's office—document-room:		
	Varnishing and repairing desk, $1; book case, $1.50; table, 75 cents	3 25	
	Varnishing wash-stand, 50 cents; sofa, 75 cents; 5 chairs, $1.50	2 75	
	Tumbler-locks	2 00	
			$112 88
	Committee on Territories:		
John R. Hunt	Varnishing 12 chairs, $3.60; desk, $1; hat-tree, 50 cents; sofa, 75 cents	5 85	
	Varnishing book-case, 75 cents; 2 wash-stands, $1	1 75	
	Varnishing and covering large table with cloth	15 33	
	Varnishing and covering screen with cloth	4 00	
	Committee on Public Expenditures:		
	Varnishing 6 chairs, $1.80; hat-tree, 50 cents; wash-stand, 50 cents	2 80	
	Varnishing wood-box, 38 cents; book-case, 75 cents	1 13	
	Varnishing and covering large table with cloth	18 00	
	Committee on Patents:		
	Varnishing 9 chairs, $2.70; wash-stand, 50 cents; table, $1	4 20	
	Varnishing hat-tree, 50 cents; 2 book-cases, $2; sofa, 75 cents	3 25	
	Varnishing desk, 50 cents; wood-box, 38 cents	88	
	Committee on Agriculture:		
	Varnishing 12 chairs, $3.60; wood-box, 38 cents; table, $1	4 98	
	Varnishing wash-stand, 50 cents; 3 book-cases, $3	3 50	
	Varnishing 2 sofas, $1.50; hat-tree, 50 cents	2 00	
	Varnishing and covering desk with cloth	2 00	
	Committee on Accounts:		
	Varnishing 7 chairs, $2.10; sofa, 75 cents; table, $1	3 85	
	Varnishing 2 wash-stands, $1.00; wood-box, 38 cents, book-case, 75 cents	2 13	
	Folding-room:		
	Varnishing 8 chairs, $2.40; sofa, 75 cents; wash-stand, 50 cents	3 65	
	Varnishing and covering with cloth 5 desks, $23.33; 3 book-cases, $3	26 33	
			105 63
	Committee on the Post-Office and Post-Roads:		
John R. Hunt	Varnishing 10 chairs, $3; book-case, $3; hat-tree, 50 cents	6 50	
	Varnishing desk, 50 cents; varnishing and covering with cloth $15.33	15 83	
	Varnishing wash-stand	50	
	Clerk's office, chief clerk's room:		
	Varnishing 11 chairs, $3.30; 3 desks, $3; hat-tree, 50 cents	6 80	
	Varnishing 2 sofas, $1.50; counter, $2; 2 wash-stands, $1	4 50	
	Varnishing letter-press, 50 cents; book-case, $2.50	3 00	
	Clerk's office—clerk's room:		
	Varnishing 7 chairs, $2.10; 2 wash-stands, $1	3 10	
	Varnishing 2 book-cases, $5; hat-tree, 50 cents; file-case, 50 cents	6 00	
	Varnishing 2 chests, 76 cents; sofa, 75 cents; small table, 50 cents	2 01	
	Varnishing and covering small table, $1.50; varnishing and covering large desk, $5	6 50	
	Committee on Public Buildings and Grounds:		
	Varnishing 10 chairs, $3; 2 sofas, $1.50	4 50	
	Varnishing 2 wash-stands, $1; wood-box, 38 cents; book-case, $1	2 38	
	Varnishing book-case, $1; fire-screen, 25 cents	1 25	
	Varnishing and covering table with cloth	18 00	
	Varnishing and covering desk with cloth	5 00	
	Post-office:		
	Varnishing 5 chairs, $1.50; sofa, 75 cents; 2 wash-stands, $1	3 25	
	Varnishing hat-tree, 50 cents; varnishing table and covering with cloth, $5.50	6 00	
			95

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
	Committee for District of Columbia:		
John R. Hunt	Varnishing 14 chairs, $4.20; pedestal-desk, $1	$5 20	
	Varnishing 2 book-cases, $3; 2 wash-stands, $1	4 00	
	Varnishing table, 50 cents; sofa, 75 cents; 2 tables, $1	2 25	
	Varnishing book-case, 50 cents; hat-tree, 50 cents; wood-box, 38 cents	1 38	
	Committee on Railways and Canals:		
	Varnishing 13 chairs, $3.90; desk, $1; wood-box, 38 cents	5 28	
	Varnishing hat-tree, 50 cents; map-rack, 50 cents; sofa, 75 cents	1 75	
	Varnishing 2 wash-stands, $1; table, $1; book-case, $2	4 00	
	Committee on Elections:		
	Varnishing 16 chairs, $4.80; 2 desks, $2	6 80	
	Varnishing table, 50 cents; 2 wash-stands, $1; wood-box, 38 cents	1 88	
	Varnishing 2 sofas, $1.50; 2 book-cases, $3	4 50	
	Varnishing and covering table, $15.33; hat-tree, 50 cents; repairs, $2.00	17 83	
	Committee on Pacific Railroads:		
	Varnishing 14 chairs, $4.20; 2 wash-stands, $1	5 20	
	Varnishing large desk, $1; table, 50 cents; 2 book-cases, $3	4 50	
	Varnishing hat-tree, 50 cents; large table, $1	1 50	
	Committee on Appropriations:		
	Varnishing 14 chairs, $4.20; 2 wash-stands, $1	5 20	
	Varnishing hat-tree, 50 cents; step-ladder, 25 cents; map-frame, 25 cents	1 00	
	Varnishing and covering with cloth large table	18 00	
	Varnishing desk, $1; book-case, $2; table, 50 cents; wood-box, 38 cents; sofa, 75 cents	4 63	
			$94 90
D. W. Bates	Repairing clock, enrolling-room	.....	5 00
G. Smith	Freight on carpets	.....	25 85
W. S. Mitchell & Co	1 rug, Sergeant at-arms	10 00	
	8 yards gimp, Door-keeper	1 00	
	1 rug, Committee on Judiciary	12 00	
	1⅓ yards oil-cloth, Committee on Post Office and Post Roads	3 33	
	15 5-9 yards oil-cloth, Door-keeper's folding-room	31 11	
	36 yards oil-cloth, document-room	72 00	
	72 yards cord	3 60	
	3 pairs brackets	38	
	3 pulleys	56	
	62¼ yards carpet, Committee on Public Expenditures	155 63	
	Sewing same	6 22	
	60½ yards carpet, Committee on Post-Office and Post-Roads	151 25	
	Sewing same	6 05	
	64¼ yards carpet, Committee on Naval Affairs	161 87	
	Sewing	6 48	
	83¼ yards carpet, Committee on Public Grounds	208 75	
	Sewing	8 35	
	10 pounds thread	20 00	
	5 pounds bees-wax	5 00	
	1 dozen papers needles	1 50	
	75 yards oil-cloth	150 00	
	125 yards lining	18 75	
	84¼ yards carpet, folding-room	211 25	
	140¾ yards carpet, post-office	351 80	
	56 yards carpet, clerk's document-room	140 00	
	Sewing 281 yards carpet	28 12	
	103½ yards carpet, Door-keeper's room	259 37	
	85¼ yards carpet, stationery room	214 38	
	8 pounds thread	16 00	
	3 pounds bees-wax	3 00	
	10 yards linen	5 00	
	120 yards lining	18 00	
			2,280 83
G. M. Wight	4 pedestal-desks, at $130, room 55	520 00	
	1 walnut case, room 55	75 00	
	6 large revolving chairs, at $35	210 00	
	1 office-table, Committee on Public Lands	28 00	
	3 chairs, Committee on Public Lands, at $10	30 00	
	1 walnut stand, Committee on Foreign Affairs	3 50	
			866 50
Joseph Reese	Services as upholsterer to House of Representatives for December, 1871	.....	120 00
D. W. Bates	Winding and regulating clocks in hall and committee-rooms, House of Representatives, for December, 1871	.....	25 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
J. H. Orme, Son & Co.	1,777¼ yards Brussels carpet, for hall and clerks' and chief clerk's office, at $2.50		$4,443 12
W. D. Wyvill	500 pounds cotton-waste, at 25 cents	$125 00	
	1 dozen large B files	12 00	
	200 tin straps, $10; 250 tin tabs, 12.50	22 50	
	2 rubber mats, $9; 4 small mail-baskets, $10	19 00	
	1 portable grate	8 00	
	1 portable grate, $10; fender, $10; 1 pair shovel and tongs, $8	28 00	
	1 standard, Committee on Printing	6 00	
	1 pair brass andirons, $20; 1 fender, $10, Committee on Post-Office and Post-Roads	30 00	
	1 pair brass andirons, $20, Committee on Patents	20 00	
	Repairing ice-pitcher	1 00	
			271 50
George W. Goodall	100 feet rubber hose, 3-ply, 1 inch	50 00	
	2 sets hose-coupling	4 00	
	6 dozen globes	90 00	
			144 00
Bailey & Co.	1 fine French clock		75 00
G. M. Wight	1 library chair	10 00	
	1 large marble-top stand, Committee on Revision of Laws	35 00	
	3 large office chairs, at $14	42 00	
	12 Harmony revolving chairs, Committee on Indian Affairs, at $19	228 00	
	1 leather-covered lounge, Committee on Indian Affairs	65 00	
	1 marble-top stand, Committee on Indian Affairs	35 00	
	1 walnut hat-tree, Committee on Indian Affairs	45 00	
	1 library-sofa in leather, Clerk's office	85 00	
	4 revolving-chairs, Clerk's office, at $16	64 00	
	6 library-chairs, in leather, Clerk's office	96 00	
	1 solid walnut stand	55 00	
	18 heavy oak chairs, restaurant, at $10	180 00	
	Covering 4 chair-seats with leather, Clerk's office	8 00	
	1 towel-stand, Committee on Banking and Currency	3 50	
	1 double pedestal desk, Committee on Freedmen's Affairs	125 00	
	1 mirror, reporters' gallery	12 00	
			1,088 50
John R. Hunt	1 oak table, reporters' gallery	35 00	
	12 paste-boxes, folding-room, at 60 cents	7 20	
	Shelving, folding-room	25 50	
	Walnut book-case, Clerk's document-room	35 00	
	14 brass inkstand-fastening, reporters' gallery, at 25 cents	3 50	
	6 mop-blocks and handles, at 60 cents	3 60	
	1 wood-box, Committee on Printing	8 00	
	2 screens, Hall of House of Representatives, at $12	24 00	
	12-foot committee-table	195 00	
	12 panes glass, stables House of Representatives, at 25 cents	3 00	
	Wood-box, Committee on Education, &c	8 00	
	Walnut book-case, Committee on Indian Affairs	75 00	
	Closet in doorway, Committee on Indian Affairs	18 50	
	Wood box, Committee on Ways and Means	8 00	
	Wood-box, Committee on Foreign Affairs	8 00	
	Fire-screen, Committee of Claims	5 50	
	3 screens, hall of House of Representatives, at $16	48 00	
			592 15
John R. Hunt	Repairing 2 chairs	75	
	Putting on bolt, Committee on Public Buildings	50	
	Building 1 stall, stables	4 00	
	Hanging 1 mirror, reporters' gallery	25	
	Glass in book-case, stenographers' room	1 25	
	Varnishing table, Committee on Education, &c	1 00	
	Varnishing 2 tables, $1; hat-tree, 50 cents, Committee on Education, &c	1 50	
	Varnishing 11 chairs, $3.30; wash-stand, 50 cents; sofa, 75 cents	4 55	
	Varnishing 2 book-cases, $3; pedestal-desk, $1	4 00	
	Varnishing 15 chairs, Committee on Reconstruction	4 50	
	Varnishing 2 sofas, $1.50; hat-tree, 50 cents; table, $1, Committee on Reconstruction	3 00	
	Varnishing 2 wash-stands, $1; 2 sofas, $1.50, Committee on Reconstruction	2 50	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
John R. Hunt—Cont'd..	Varnishing 2 large desks, $3; book-case, $2.50, Committee on Reconstruction	$5 50	
	Varnishing wood-box, Committee on Reconstruction	38	
	Varnishing 10 chairs, Committee on Mines and Mining	3 00	
	Varnishing 2 wash-stands, $1; table, $1; sofa, 75 cents, Committee on Mines and Mining	2 75	
	Varnishing 2 cases, $2; table, 50 cents; wood-box, 38 cents	2 88	
	Varnishing 1 desk	1 50	
	Varnishing, and covering desk with cloth, Committee on Indian Affairs	4 00	
	Varnishing 2 sofas, Committee on Banking and Currency	1 50	
	Varnishing 15 chairs, $4.50; hat-tree, 50 cents; desk, $1 50	6 50	
	Varnishing 2 wash-stands, $1; water-closet, 75 cents; table, 50 cents	2 25	
	Varnishing and covering with cloth large table	22 00	
	Varnishing and covering with cloth table	6 00	
	Varnishing large book-case	4 00	
	20 yards cloth, at $4.50	90 00	
			$180 06
John R. Hunt	Hanging 3 bells, cords and tassels for same, Clerk's office, at $6	18 00	
	Repairs, Committee on Ways and Means	2 00	
	Newspaper-rack, Clerk's office	10 00	
	Hall House of Representatives:		
	Covering reporters' desks, gallery	41 50	
	Screen covered with rep, gallery	6 75	
	Setting desks, carpet strips, brass for steps	53 00	
	3 file-drawers, Committee on Appropriations	2 50	
	Repairing hat-tree, Committee on Private Land-Claims	50	
	Repairing sofa, Committee on Elections	25	
	Hall House of Representatives:		
	Putting on locks	50	
	Repairing and covering tables	2 00	
	Lock on drawer, Committee on Pensions	62	
	Repairing table, Clerk's document-room	75	
	Varnishing 5 chairs, Committee on Expenditures	1 50	
			139 87
L. C. Campbell	1 night-latch, at $1.50; 10 feet hose, at $4.50	6 00	
	12 dozen papers tacks, assorted	15 58	
	35 files, assorted, $9.85; 2 screw-drivers, $1.50	11 35	
	1 pair stub-plyers, at $2.50; 1 hatchet, at $1	3 50	
	7 dozen keys, assorted	6 15	
	Set steel figures, $2.50; 2 sheets brass, $1	3 50	
	6 dozen key tags, $1.50; 6 dozen papers tacks, $6	7 50	
	3 hammers, $2.70; ½ gross hooks and eyes, $4.20	6 90	
	6¾ feet brass chain, at $3.34; 4 dozen iron keys, blanks, $2.40	5 74	
	1 dozen night-latches, $18; 1 gross keys, $16	34 00	
	1 dozen papers tacks, $1.05; 1 iron brace and bits, $2.25	3 30	
	1 dozen paper-knives, $3; 6 sand-stones, $1.80	4 80	
	1 brass cup-lock, 75 cents; 7 dozen papers tacks, $9.30	10 05	
	3 brass blanks 45 cents; 1 gross night-latch blanks, $16	16 45	
	1 pair stub-plyers, $1.50; 4 brass blanks, 80 cents	2 30	
	1 dozen brass hooks, 50 cents; 20 feet brass chains, $2	2 50	
	3 brass blanks	45	
			140 07
Baily & Co	1 marble clock, Committee on Revision of Laws	45 00	
	1 marble clock, Committee on Accounts	75 00	
			120 00
Joseph Reese	Upholsterer to House of Representatives for January, 1872		120 00
George W. Johnes	1 file, desk, and secretary, for chairman	30 00	
	1 set pigeon-holes for additional files	12 00	
	1 set pigeon-holes for rejected claims	12 00	
	1 desk-chair, cane seat, leather-covered	2 50	
			56 50
Eugene O'Connor	Making 3 lounges for guard-room, at $18		54 00
L. F. Clarke	4 pairs window-shades, Committee on Public Buildings, &c	36 00	
	Trimmings and repairing shades, Committee on Education	2 00	
			38 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
Field & Hardie	2 gross blank keys, at $8	$16 00	
	1½ gross blank keys	11 67	
			$27 67
D. W. Bates	Winding and regulating clocks in hall and committee-rooms, House of Representatives, for January, 1872		25 00
W. D. Wyvill	1 pair brass andirons	20 00	
	1 pair shovel and tongs	8 00	
	1 stand	6 00	
	1 fender	10 00	
	1 pair brass andirons, Foreign Affairs	20 00	
	1 pair shovel and tongs, $8; stand, $6; fender, $10, Foreign Affairs	24 00	
	374½ pounds brass step-plates, at 65 cents	243 43	
	1 brass hearth plate	5 00	
	2 zinc screens	3 00	
	1 tin water-box, $3.50; tin-box, $1.75	5 25	
	12 large coal-scoops, at $1.75	21 00	
	4 pounds emery	1 00	
	1 pair brass andirons, $20; brass fender, $15	35 00	
	1 pair shovel and tongs, $8; stand, $6	14 00	
			415 68
H. H. Hempler	1 barometer		30 00
D. W. Bates	Repairing 1 clock, file-room Repairing 1 clock, Committee on Agriculture Repairing 1 clock, clerk's document-room		15 00
Virginia Lammond	Recaning 4 chairs		6 00
Joseph Reese	Upholsterer to House of Representatives for February, 1872		120 00
John R. Hunt	1 wood-box, Sergeant-at-arms	2 00	
	1 table, reporter's gallery	25 00	
	150 feet map-rollers, Door-keeper	2 25	
	4 desks for members of Congress, hall, at $15	60 00	
	1 walnut screen covered with cloth, and lock on door of water-stand, Committee on Judiciary	10 00	
	1 step-ladder, folding-room	5 00	
	Altering desk, Clerk's office	1 25	
	Walnut front to desk, Clerk's office	10 50	
	Walnut screen and map-rollers, Committee on Public lands	7 50	
	Repairing and covering desk with cloth, hall	5 00	
	2 locks, Committee on Agriculture	1 00	
	2 file-drawers and locks, journal clerk	3 00	
	2 strapping boxes	75	
	Repairing table, Clerk's folding-room	75	
	Covering table with cloth, territorial Delegates	6 00	
	Repairing wash-stand, territorial Delegates	75	
	Hanging glass, gallery	50	
	Repairing case, gallery	75	
	25 file-boards, document-room	2 50	
	Book-rest	50	
	Repairs, Committee on Commerce	1 00	
	Wood box, Committee of Claims	8 00	
	Hat-hooks, cloak-room	1 00	
			155 00
John R. Hunt	2 yards cloth, hall House of Representatives	10 00	
	Putting on 2 locks, hall House of Representatives	1 00	
	Repairing desks, shelving, &c., hall House of Representatives	11 50	
	Repairing door, hall House of Representatives	50	
	Ballot-box, hall House of Representatives	2 00	
	Covering with cloth and making walnut screen, hall House of Representatives	16 00	
	Repairing 5 chairs, hall House of Representatives	3 50	
	1 large bolt, folding-room	75	
	Repairing table, folding-room	2 75	
	Repairing 2 wash-stands, folding-room	7 00	
	Varnishing 2 wash-stands, Committee on Indian Affairs	1 00	
	Varnishing letter-press, Committee on Indian Affairs	38	
	Varnishing sofa, Committee on Indian Affairs	75	
			57 13
Somerville & Leitch	1 barrel best lubricating oil	87 40	
	20 pounds round steam-packing	15 00	
			102 40
E. H. King	1 walnut book-case	50 00	
	1 case pigeon-holes	30 00	
			80 00
John R. Hunt	13 locks, Committee on Pacific Railroad, at $1.50	19 50	
	1 small table, Committee on Education and Labor	3 50	
	1 table, bath-room	7 00	

A—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	FURNITURE AND REPAIRS—Continued.		
John R. Hunt—Cont'd.	Repairing desks, hall House of Representatives	$3 50	
	Repairing 2 sofas, hall House of Representatives	1 00	
	4 yards cloth, hall House of Representatives, at $4.50	18 00	
	3 pieces gimp, hall House of Representatives, at $1.50	4 50	
	5 screens, hall House of Representatives, at $6	30 00	
	1 book-rest, document-room	50	
	1 file-table, document-room	4 25	
	Repairs, Committee of Claims	50	
	1 new table and tops for 2 tables, folding-room	20 00	
	3 twine-boxes, folding-room, at $1	3 00	
	1 cutting-board	75	
	2 truck bodies, at $12.50	25 00	
	2 file-cases, engrossing-room, at $14	28 00	
	1 tumbler-lock, journal-clerk's room	1 50	
	Repairing 3 chairs	1 50	
	Repairing table, post-office	1 25	
	Repairs, hall House of Representatives	4 50	
	File-drawer, Committee of Appropriations	1 00	
	Writing-stand, Committee of Ways and Means	2 50	
	Repairing door, folding-room	1 00	
	Closet and shelving, store-room	18 50	
	Repairing and caning 21 chairs	25 20	
	Repairs, ladies' retiring-room	75	
			$226 70
Joseph Reese	Upholsterer to House of Representatives for March, 1872		120 00
L. F. Clark	2 pairs window-shades, Committee on Agriculture		18 00
G. M. Wight	1 mirror, reporters' gallery	12 00	
	Repairing and covering sofa, Clerk's office	25 00	
	1 leather sofa, Clerk's office	75 00	
	1 large revolving chair, Committee of Ways and Means	25 00	
	1 mirror, Congressional Committee	12 00	
	1 walnut book-case, Committee on Judiciary	125 00	
	1 double pedestal-desk, Committee on Printing	125 00	
	1 large walnut table, Congressional Committee	55 00	
			454 00
	HORSES AND CARRIAGES.		
George A. Brackett	Four horses and carryalls for transporting mails during month of July, 1871, at $2.50 per day each		310 00
Clinton Lloyd	Three horses and carriages for use of the Clerk's office for the month of July, 1871, at $2.50 per day each		232 50
Otis S. Buxton	One horse and wagon for month of July, 1871, at $2.50 per day	77 50	
	One saddle-horse for same time, at $2 per day	62 00	
			139 50
Clinton Lloyd	Three horses and carriages for use of the Clerk's office for the month of August, 1871, at $2.50 per day each		232 50
Otis S. Buxton	One horse and wagon for month of August, 1871, at $2.50 per day	77 50	
	Use of 1 saddle-horse for same time, at $2 per day	62 00	
			139 50
George A. Brackett	Four horses and carry-alls for transporting mails during the month of August, 1871, at $2.50 per day each		310 00
George A. Brackett	Four horses and carry-alls for transporting mails during the month of September, 1871, at $2.50 per day each		300 00
Clinton Lloyd	Three horses and carriages for use of the Clerk's office for the month of September, 1871, at $2.50 per day each		225 00
Otis S. Buxton	One horse and wagon during the month of September, 1871, at $2.50 per day	75 00	
	One saddle-horse for same time, at $2 per day	60 00	
			135 00
George A. Brackett	Use of 4 horses and carry-alls for transporting mails during the month of October, 1871, at $2.50 per day each		310 00
O. S. Buxton	Use of 1 horse and wagon during month of October, 1871, at $2.50 per day	77 50	
	Use of 1 saddle-horse for same time, at $2 per day	62 00	
			139 50
Clinton Lloyd	Use of 3 horses and carriages by the Clerk's office for the month of October, 1871, at $2.50 per day each		232 50
George A. Brackett	For use of 4 horses and carry-alls for transporting mails during the month of November, 1871, 30 days, at $2.50 per day each		300 00
Clinton Lloyd	For use of 3 horses and carriages in the service of the Clerk, House of Representatives, for the month of November, 1871, 30 days, at $2.50 per day each		225 00
O. S. Buxton	For use of 1 horse and wagon from 1st to 30th November, 1871, (inclusive,) at $2.50 per day	75 00	
	For use of 1 saddle-horse for same time, at $2 per day	60 00	
			135 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	HORSES AND CARRIAGES—Continued.		
George H. Brackett	Four horses and carry-alls for transporting mails during December, 1871, at $2.50 per day each		$310 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during December, 1871, at $2.50 per day each		232 50
O. S. Buxton	One horse and carriage during December, 1871, at $2.50 per day	$77 50	
	One saddle-horse for same time, at $2 per day	62 00	
			139 50
O. S. Buxton	One horse and carriage during January, 1872, at $2.50 per day	77 50	
	One saddle-horse for same time, at $2 per day	62 00	
			139 50
George A. Brackett	Four horses and carry-alls for transporting mails during January, 1872, at $2.50 per day each		310 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during January, 1872, at $2.50 per day each		232 50
George A. Brackett	Four horses and carryalls for transporting mails during February, 1872, at $2.50 per day each		290 00
George A. Brackett	One horse and carriage for transporting southern mails, 10 days, in February, 1872, at $2.50 per day		25 00
	For use of 1 horse and carry-all for transporting southern mail during month of February, 10 days, at $2.50 per day		25 00
O. S. Buxton	One horse and carriage during February, 1872, at $2 50 per day	72 50	
	One saddle-horse for same time, at $2 per day	58 00	
			130 50
J. B. Clark, jr	One horse and wagon during February, 1872, at $2.50 per day		72 50
Clinton Lloyd	Three horses and carriages for use of Clerk's office during February, 1872, at $2.50 per day each		217 50
George A. Brackett	Four horses and carry-alls for transporting mails during March, 1872, at $2.50 per day each		310 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during March, 1872, at $2.50 per day each		232 50
O. S. Buxton	One horse and carriage during March, 1872, at $2.50 per day	77 50	
	One saddle-horse for same time, at $2 per day	62 00	
			139 50
J. B. Clark, jr	One horse and wagon during March, 1872, at $2.50 per day		77 50
George A. Brackett	One horse and carry-all during March, 1872, at $2.50 per day		77 50
George A. Brackett	Four horses and carry-alls for transporting mails during April, 1872, at $2.50 per day each		300 00
George A. Brackett	One horse and carry-all for transporting southern mails during April, 1872, at $2.50 per day		75 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during April, 1872, at $2.50 per day each		225 00
O. S. Buxton	One horse and carriage during April, 1872, at $2.50 per day	75 00	
	One saddle-horse for same time, at $2 per day	60 00	
			135 00
J. B. Clark, jr	One horse and wagon during April, 1872, at $2.50 per day		75 00
J. B. Clark, jr	One horse and wagon during May, 1872, at $2.50 per day		77 50
George A. Brackett	Four horses and carry-alls for transporting mails during May, 1872, at $2.50 per day each		310 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during May, 1872, at $2.50 per day each		232 50
O. S. Buxton	One horse and carriage during May, 1872, at $2.50 per day	77 50	
	One saddle-horse for same time, at $2 per day	62 00	
			139 50
George A. Brackett	One horse and carry-all for delivering southern mails during May, 1872, at $2.50 per day		77 50
George A. Brackett	Four horses and carry-alls for transporting mails during June, 1872, at $2.50 per day each		300 00
George A. Brackett	One horse and carry-all for delivering southern mails during June, 1872, at $2.50 per day		75 00
Clinton Lloyd	Three horses and carriages for use of Clerk's office during June, 1872, at $2.50 per day each		225 00
O. S. Buxton	One horse and carriage during June, 1872, at $2.50 per day	75 00	
	One saddle-horse for same time, at $2 per day	60 00	
			135 00
J. B. Clark, jr	One horse and wagon during June, 1872, at $2.50 per day		75 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	LABORERS.		
David Scaggs *et al*	Laborers' pay-roll, July, 1871:		
	David Scaggs	$60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Henry McKenzie	60 00	
			$600 00
Alexander Bruce *et al*	Laborers' pay-roll, July, 1871:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce, jr	60 00	
			360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, for the month of July, 1871, at $1.80 per day		55 80
David Scaggs *et al*	Laborers' pay-roll, August, 1871:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James Sanders	60 00	
	Henry McKenzie	60 00	
			600 00
Alexander Bruce *et al*	Laborers' pay-roll, August, 1871:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce, jr	60 00	
			360 00
Harriet P. Phisk	Services in ladies' retiring-room, House of Representatives, during August, 1871, at $1.80 per day		55 80
David Scaggs *et al*	Laborers' pay-roll, September, 1871:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Henry McKenzie	60 00	
			600 00
Alexander Bruce *et al*	Laborers, pay-roll, September, 1871:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce, jr	60 00	
			360 00
Harriet P. Phisk	Services in the ladies' room House of Representatives, for the month of September, 1871, at $1.80 per day		54 00
Henry Douglas	Additional compensation as provided for in the first section of the "Act for sundry civil expenses," approved March 3, 1871, $100 per annum—it being for three months, to September 30, 1871		25 00
David Scaggs *et al*	Laborers' pay-roll, October, 1871:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Henry McKenzie	60 00	
			600 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	LABORERS—Continued.		
Alexander Bruce *et al*..	Laborers' pay-roll, October, 1871:		
	Alexander Bruce	$60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce, jr	60 00	
			$360 00
Harriet P. Phisk.....	Services in the ladies' room, House of Representatives, for the month of October, 1871, at $1.80 per day	.....	55 80
David Scaggs *et al*	Laborers' pay-roll, November, 1871:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Henry McKenzie	60 00	
			600 00
Alexander Bruce *et al*..	Laborers' pay-roll, November, 1871:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce, jr	60 00	
			360 00
Harriet P. Phisk.....	For services in the ladies' reception room, House of Representatives, for the month of November, 1871, at $1.80 per day	.....	54 00
David Scaggs *et al*.....	Laborers' pay-roll, December, 1871:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	
	Lewis Cartwright, 4th to 31st	54 19	
	William Hutchison, 4th to 31st	54 19	
	Henry McKenzie, 4th to 31st	54 19	
	John Barry, 4th to 31st	54 19	
			816 76
Alexander Bruce *et al*..	Laborers' pay-roll, December, 1871:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron A. Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce	60 00	
			360 00
Harriet P. Phisk.....	Services in ladies' room, House of Representatives, for December, 1871, at $1.80 per day	.....	55 80
Henry Douglas	Additional compensation, as laborer in House of Representatives, under the act of March 3, 1871	.....	25 00
David Scaggs *et al*	Laborers' pay-roll, January, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	
	Lewis Cartwright	60 00	
	William Hutchison	60 00	
	Joseph F. Boston	60 00	
	John Berry	60 00	
	James T. Harris	60 00	
	Charles Carter	60 00	
			960 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	LABORERS—Continued.		
Alexander Bruce *et al*..	Laborers' pay-roll, January 1872:		
	Alexander Bruce	$60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	John Thomas	60 00	
	Aaron Russell	60 00	
	Sandy Bruce	60 00	
			$360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, during January, 1872, at $1.80 per day		55 80
David Scaggs *et al*	Laborers' pay-roll, February, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	
	Lewis Cartwright	60 00	
	William Hutchison	60 00	
	Joseph F. Boston	60 00	
	John Berry	60 00	
	James T. Harris	60 00	
	Charles Carter	60 00	
			960 00
Alexander Bruce *et al*..	Laborers' pay-roll, February, 1872:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce	60 00	
			360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, during February, 1872, at $1.80 per day		52 20
David Scaggs *et al*	Laborers' pay-roll, March, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alexander B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	
	Lewis Cartwright	60 00	
	William Hutchison	60 00	
	Joseph F. Boston	60 00	
	John Berry	60 00	
	James T. Harris	60 00	
	Charles Carter	60 00	
			960 00
Alexander Bruce *et al*..	Laborers' pay-roll, March, 1872:		
	Alexander Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	John Thomas	60 00	
	Aaron Russell	60 00	
	Sandy Bruce	60 00	
			360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, during March, 1872, at $1.80 per day		55 80
Henry Douglas	Additional compensation as laborer in House of Representatives, under act of March 3, 1871		25 00
David Scaggs *et al*	Laborers' pay-roll, April, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alex. B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	LABORERS—Continued.		
David Scaggs *et al.*—Continued.	Laborers' pay-roll, April, 1872:		
	Lewis Cartwright	$60 00	
	William Hutchison	60 00	
	Jos. F. Boston	60 00	
	John Berry	60 00	
	James T. Harris	60 00	
	Charles Carter	60 00	
			$960 00
Alex. Bruce *et al*	Laborers' pay-roll, April, 1872:		
	Alex. Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce	60 00	
			360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, during April, 1872, at $1.80 per day		54 00
David Scaggs *et al*	Laborers' pay-roll, May, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alex. B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	James S. Sanders	60 00	
	Thomas P. Bell	60 00	
	Lewis Cartwright	60 00	
	William Hutchison	60 00	
	Jos. F. Boston	60 00	
	John Berry	60 00	
	James T. Harris	60 00	
	Charles Carter	60 00	
			960 00
Alex. Bruce *et al*	Laborers' pay-roll, May, 1872:		
	Alex. Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce	60 00	
			360 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, from May 1 to June 3, 1872, at $1.80 per day		61 20
William H. Hall *et al*	Laborers' pay-roll from December 4, 1871, to June 3, 1872, under resolution of the House of May 29, 1872:		
	William H. Hall	360 00	
	Jeremiah Smith	360 00	
	Arthur Wells	360 00	
	John Douglass, from February 4, 1872	240 00	
	William Jones	360 00	
			1,680 00
David Scaggs *et al*	Laborers' pay-roll, June, 1872:		
	David Scaggs	60 00	
	Henry Douglas	60 00	
	Henry Hall	60 00	
	Philip Nolan	60 00	
	Albert Dade	60 00	
	Alex. B. Thomas	60 00	
	George Winters	60 00	
	Thomas Reily	60 00	
	Thomas P. Bell	60 00	
	William Hutchison	60 00	
			600 00
Alex. Bruce *et al*	Laborers' pay-roll, June, 1872:		
	Alex. Bruce	60 00	
	John H. Madella	60 00	
	Ephraim E. Jackson	60 00	
	Aaron Russell	60 00	
	John Thomas	60 00	
	Sandy Bruce	60 00	
			360 00
James S. Sanders *et al*	Laborers' pay-roll from June 11 to 30, 1872, under House resolution of June 10, 1872:		
	James S. Sanders	40 00	
	Lewis Cartwright	40 00	
	Jos. F. Boston	40 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	LABORERS—Continued.		
James S. Sanders *et al.*—Continued.	Laborers' pay-roll from June 11 to 30, 1872, under House resolution of June 10, 1872:		
	John Berry	$40 00	
	Charles Carter	40 00	
			$200 00
James S. Sanders *et al.*	Laborers' pay-roll from June 1 to 10, 1872:		
	James S. Sanders	20 00	
	Lewis Cartwright	20 00	
	Jos. F. Boston	20 00	
	John Berry	20 00	
	James T. Harris	20 00	
	Charles Carter	20 00	
			120 00
Harriet P. Phisk	Services in ladies' room, House of Representatives, from June 3 to 10, 1872, at $1.80 per day		12 60
Henry Douglas	Additional compensation as laborer in House of Representatives, under act of March 3, 1871		25 00
	MISCELLANEOUS ITEMS.		
	By order of the House of Representatives.		
Z. D. Gilman	3 dozen hair-brushes, at $12 per dozen	36 00	
	3 dozen hair-brushes, at $15 per dozen	45 00	
	12 dozen French buff-combs, at $12 per dozen	144 00	
	6 dozen cloth-brushes, at $12 per dozen	72 00	
	12 dozen chamois-skins, at $11.50 per dozen	138 00	
	100 pieces S. W. sponge, at $1 each	100 00	
	100 pieces bath-sponge, at $1.25 each	125 00	
	12 gross matches, at $3 per gross	36 00	
	6 dozen feather dusters, at $32 per dozen	192 00	
	2 dozen large sweepers, at $42 per dozen	84 00	
	6 dozen wisp-brooms, at $4.75 per dozen	28 50	
	2 dozen boxes paraffine candles, (72 pounds,) at 50 cents per pound	36 00	
			1,036 50
N. W. Burchell	2 gross American palm-soap, at $30 per gross	60 00	
	2 gross bouquet soap, at $36 per gross	72 00	
	2 gross marrow fine toilet soap, at $30 per gross	60 00	
	2 gross vegetable soap, at $30 per gross	60 00	
	7 gross assorted soap, at $20.71 per gross	145 00	
			397 00
M. Carter *et al.*	Capitol police, July, 1871:		
	M. Carter, private	100 00	
	Joseph Stephenson, private	100 00	
	C. J. Jones, private	100 00	
			300 00
George Clark	Messenger in the Speaker's room, under resolution of May 5, 1870, for month of July, 1871, at $3.60 per day		111 60
William H. Boughter	Messenger to the Committee on Appropriations, for the month of July, 1871, at $3.60 per day		111 60
A. H. James	23,842 pounds ice for month of July, 1871, at 54 cents per 100 pounds		128 75
William S. Horton	50 pounds coarse tobacco, at 40 cents per pound		20 00
Catharine Russell	Washing 26½ dozen towels for use of bath-room, House of Representatives, for month of July, 1871, at 50 cents per dozen		13 17
C. C. Yorpp	Washing 15⅔ dozen towels in the month of July, 1871, at 50 cents per dozen		7 83
M. Carter *et al.*	Capitol police, August, 1871:		
	C. C. Byrne, private	100 00	
	M. Carter, private	100 00	
	Joseph Stephenson, private	100 00	
			300 00
George Clark	Messenger in the Speaker's room, under resolution of May 5, 1870, for month of August, 1871, at $3.60 per day		111 60
W. H. Boughter	Messenger to the Committee on Appropriations, for the month of August, 1871, at $3.60 per day		111 60
H. P. Phisk	Services in the ladies' room, House of Representatives, for the month of August, 1871, at $1.80 per day		55 80
Catharine Russell	Washing 30 dozen towels, for the month of August, 1871, at 50 cents per dozen		15 00
C. C. Yorpp	Washing 16½ dozen towels, for the month of August, 1871, at 50 cents per dozen		8 25
A. H. James	23,010 pounds ice during the month of August, 1871, at 54 cents per 100 pounds		124 25
A. H. James	19,235 pounds ice during the month of September, 1871, at 54 cents per 100 pounds		103 87

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
M. Carter *et al*	Capitol police, September, 1871:		
	M. Carter, private	$100 00	
	J. Stephenson, private	100 00	
	C. C. Byrne, private	100 00	
			$300 00
George Clark	Services as messenger in the Speaker's room, under resolution of the House of May 5, 1870, for the month of September, 1871, at $3.60 per day		108 00
William H. Boughter	Services as messenger to the Committee on Appropriations, for month of September, 1871, at $3.60 per day		108 00
Catharine Russell	Washing 20 7-12 dozen towels during the month of September, 1871, at 50 cents per dozen		10 29
C. C. Yorpp	Washing 16 dozen towels during the month of September, 1871, at 50 cents per dozen		8 00
Z. D. Gilman	290 pounds sal soda, at 8 cents per pound	23 20	
	6 pounds camphor, at $1.25 per pound	7 50	
	1 pound cuttle-fish	60	
	8 dozen hand-brushes, at $9 per dozen	72 00	
	2 dozen hand brushes, at $6 per dozen	12 00	
			115 30
George Clark	Services as messenger in the Speaker's room, under a resolution of the House of May 5, 1870, for the month of October, 1871, at $3.60 per day		111 60
John M. Barclay	Copyright of 2,000 copies of Barclay's Digest, for the use of the members of the House, at the second session Forty-second Congress, under resolution of March 15, 1871, at $1 per copy		2,000 00
William H. Boughter	Services as messenger to the Committee on Appropriations for month of October, 1871, at $3.60 per day		111 60
C. C. Yorpp	Washing and ironing 15 dozen towels for use of Doorkeeper's department, House of Representatives, for the month of October, 1871, at 50 cents per dozen		7 50
A. H. James	16,680 pounds ice for the month of October, 1871, at 54 cents per 100 pounds		90 07
Catharine Russell	Washing 23½ dozen towels for bath-room, House of Representatives, during the month of October, 1871, at 50 cents per dozen		11 75
Clinton Lloyd	For sundry express, freight, and telegram, and other expenses in the business of the House of Representatives, necessarily incurred		69 62
George Clark	Services as messenger in the Speaker's room, under a resolution of the House of May 5, 1870, for the month of November, 1871, at $3.60 per day		108 00
W. H. Boughter	Services as messenger to the Committee on Appropriations for month of November, 1871, at $3.60 per day		108 00
C. C. Yorpp	Washing 199 towels, at 50 cents per dozen	8 29	
	Four sets of lace curtains for ladies' retiring-room	5 00	
			13 29
Catharine Russell	Washing 40 dozen towels for House of Representatives during November, 1871, at 50 cents per dozen		20 00
K. E. Knott	2 dozen file-sticks, at $8.50 per dozen		17 00
Clarles Dean	Halyards for flags on House of Representatives, 1 large and 1 small		12 00
J. W. Boteler & Bros	3 dozen tin buckets, $71.75; 6 dozen bristle brushes, $30	101 75	
	2 dozen W. G. pitchers, $18; 1 gross French polish, $36	54 00	
	8 sheep-wool rugs, $37.50; 40 Brussels and Wilton rugs, $130	167 50	
	12 dozen goblets, $33; 2 dozen large rubber mats, $96	129 00	
	2 water-coolers, $32; 6 dozen spittoons, $45	77 00	
	6 dozen bristle dusters, $90; 12 dozen corn brooms, $108	198 00	
	1 dozen large ice-buckets, $15; 3 dozen B. B. cedar buckets, $36	51 00	
	1 dozen candle-sticks, $3; 4 dozen soap-dishes, $22	25 00	
	9 bath-brushes, $13.50; 2 dozen ice-picks, $8.40	21 90	
	2 dozen hat-brushes, $19; 2 doz. blacking-brushes, $17.25	36 25	
	½ dozen blacking-commodes	15 00	
	1 dozen plated ice-picks	20 00	
	3 bath-brushes, $4.50; 7 horse-buckets, $8.75	13 25	
	1 hatchet, $1; 2 gross matches, $9	10 00	
	2 dozen hair-brushes, $30.85; 1 water-cooler, $9	39 85	
	2 dozen blacking, $20.75; 4 dozen spittoons, $29.40	50 15	
	2 dozen waste-paper baskets, $33; 5 horse-buckets, $6.25	39 25	
			1,048 90
J. T. Mitchell	24 dozen stay-laces, at 50 cents	12 00	
	24 dozen stay-laces, at 50 cents	12 00	
	3 dozen Turkish towels, at $12	36 00	
	6 dozen bath towels, at $6	36 00	
	18 dozen damask towels, at $11	198 00	
	48 dozen stay-laces, at 50 cents	24 00	
	4 dozen damask towels, at $12.50	50 00	
			368 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
George Clark	Services as messenger in Speaker's room for December, 1871		$111 60
W. H. Boughter	Services as messenger to Committee on Appropriations for December, 1871		111 60
A. H. James	16,965 pounds ice for month of November, 1871, at 54 cents per 100 pounds		91 61
Jackson Orr	Expenses in traveling from Montana, Iowa, to Washington, D. C., and return, in attendance on a special session of the Committee on Public Buildings and Grounds, 2,400 miles, at 10 cents per mile	$240 00	
	Expenses for board 7 days, at $6 per day	42 00	
			282 00
W. H. McDaniel	1 storm flag, (19 feet)	28 00	
	1 storm flag, (25 feet)	45 00	
			73 00
George A. Halsey	Expenses in traveling from Newark, New Jersey, to Washington and return, in attendance on a special session of the Committee on Public Buildings and Grounds, 440 miles, at 10 cents per mile	44 00	
	Expenses for boarding 3 days, at $6 per day	18 00	
			62 00
Glenni W. Scofield	Expenses of the special committee appointed to inquire into the difficulties which have arisen between the Government and State officials of the State of Louisiana, &c., under House resolution of January 22, 1872		3,872 80
John Boyd	Cash furnished for horse-car tickets from 1st to 31st of January, 1872		15 00
C. C. Yorpp	Washing and ironing 73½ dozen towels during December, 1871, at 50 cents		36 66
C. C. Byrne *et al*	Capitol police, pay-roll, January, 1872:		
	C. C. Byrne, private	100 00	
	M. Carter, private	100 00	
	J. Stephenson, private	100 00	
			300 00
A. H. James	28,580 pounds ice furnished House of Representatives during December, at 54 cents per 100 pounds		154 33
Henry Douglas	For ground-rent of lots occupied by the stables of the House of Representatives from June 5, 1871, to June 5, 1872		144 00
George Clark	Services as messenger in Speaker's room, House of Representatives, for January, 1872		111 60
William H. Boughter	Messenger to Committee on Appropriations for January, 1872		111 60
J. T. Mitchell	6 dozen towels, at $12.50		75 00
Catharine Russell	Washing 118 dozen towels for House of Representatives during December, 1871, at 50 cents		59 00
C. C. Yorpp	Washing 115 11-12 dozen towels for House of Representatives during December, 1871, at 50 cents		57 94
Chas. F. Vanderburgh	Services as messenger to Committee on Ways and Means from January 18 to 31, 1872		50 40
Francis H. Smith	To re-imburse money paid to Jacob De Wilter for services as messenger to official reporters from January 8 to 25, 1872		43 20
John Boyd	Cash paid for horse-car tickets from December 4 to 31, 1872		15 00
G. W. Cochran & Co.	1½ bottles Martinique snuff, at $9		12 00
Philp & Solomons	12 McPherson's Reconstruction, at $5		60 00
W. H. Boyd	10 copies Washington City Directory for 1872 for use of Library and offices		40 00
A. H. James	27,590 pounds ice furnished House of Representatives during January, 1872, at 54 cents per 100 pounds		148 98
Le Grand Lockwood	Attendance as witness before Committee on Expenditures in Treasury Department, investigating defalcations in Treasury Department, 1 day, at $2 per day	2 00	
	Travel from New York City and return, at 10 cents per mile	47 00	
			49 00
S. Wolf	Copy of act of incorporation of Metropolitan Paving Company for Committee for District of Columbia		1 25
Virgil Hillyer	Expenses incurred in the contested election case of Hillyer *vs.* McIntyre, under House resolution of January 26, 1872		375 87
C. C. Byrne *et al*	Capitol police, pay-roll, February, 1872:		
	C. C. Byrne, private	100 00	
	M. Carter	100 00	
	J. Stephenson	100 00	
			300 00
George P. Fisher	Expenses incurred by him in the detection of parties charged with larceny of documents and other property of the United States in the Capitol		258 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
William H. Boughter	Messenger to Committee on Appropriations for February, 1872		$104 40
George Clark	Messenger in Speaker's room for February, 1872		104 40
C. F. Vanderburgh	Messenger to Committee on Ways and Means for February, 1872		104 40
Catharine Russell	Washing 153¾ dozen towels for House of Representatives during February, 1872, at 50 cents per dozen		76 83
Catharine Russell	Washing 137¼ dozen towels for House of Representatives during January, 1872, at 50 cents per dozen		68 62
George R. Rutter	Attendance as witness before Banking and Currency Committee, investigating cause of suspension of national banks, 6 days, at $2 per day	$12 00	
	Travel from New York City and return, 470 miles, at 10 cents per mile	47 00	
			59 00
Charlotte Yorpp	Washing 117 dozen towels for House of Representatives during February, 1872, at 50 cents per dozen		58 50
Daniel W. Bates	Winding and regulating clocks in hall and committee-rooms, House of Representatives, during February, 1872		25 00
John Boyd	Cash paid for horse-car tickets during February, 1872		15 00
Ginery Twichell	12 punches, at $1	12 00	
	2 dies, at $2.50	5 00	
			17 00
S. Wolf	Copies of two title-deeds for District of Columbia Committee		2 50
W. H. & O. H. Morrison	2 Appleton's Railway Guides	50	
	2 Brightley's Federal Decisions, vol. 2	7 00	
	4 Brightley's Federal Decisions, vol. 2	14 00	
	1 Fisher's Patent Cases, 3 vols	75 00	
	1 New York Directory	6 00	
	1 Colton's Atlas	20 00	
	10 Heyl's Digest	100 00	
	1 Opinions of Attorney-General, vol. 12	2 00	
	6 Heyl's Tariff	18 00	
	15 Brightley's Digest, 3 volumes each	247 50	
	3 Worcester's Unabridged Dictionary	36 00	
	3 Webster's Unabridged Dictionary	36 00	
	1 Humphrey and Abbott's Report on Mississippi Levees	15 00	
	2 Webster's Unabridged Dictionary	24 00	
			601 00
George R. Rutter	Attendance as witness before Banking and Currency Committee, 20 days, at $2 per day		40 00
John Bull	Attendance as witness before Banking and Currency Committee, 7 days, at $2 per day	14 00	
	Travel, 14 miles, at 10 cents per mile	1 40	
			15 40
Jos. W. Ware	Attendance as witness before Post-Office Committee, investigating post-office contracts, 3 days, at $2 per day		6 00
George W. McLellan	Attendance as witness before Committee on Post-Offices and Post-Roads, investigating Post-Office Department, 1 day, at $2 per day		2 00
J. N. Ball	2 marble paper-weights		1 80
True Putney	Attendance as witness before Committee on Public Buildings and Grounds, investigating use of Seneca stone in State Department building, 1 day, at $2 per day		2 00
W. B. Hazen	Attendance as witness before select committee, investigating staff-corps of the Army		
	Travel from Cincinnati to Washington and return, 1,222 miles, at 10 cents per mile	122 20	
			122 20
Peter Campbell	Attendance as witness before District of Columbia Committee, investigating board of public works, 13 days, at $2 per day	26 00	
	Travel, 4 miles, at 10 cents per mile	40	
			26 40
J. H. Voorhees	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 8 miles, at 10 cents per mile	80	
			2 80
S. J. R. Nelson	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 6 miles, at 10 cents per mile	60	
			2 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Thomas Wells	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	$2 00	
	Travel 6 miles, at 10 cents per mile	60	
			$2 60
R. D. Ruffin	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel 6 miles, at 10 cents per mile	60	
			2 60
O. S. B. Wells	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel 4 miles, at 10 cents per mile	40	
			2 40
James Harris	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel 4 miles, at 10 cents per mile	40	
			2 40
L. S. Emery	Attendance as witness before District of Columbia Committee, investigating board of public works	.....	
	Travel 6 miles, at 10 cents per mile	60	
			60
Thomas Richardson	Attendance as witness before Committee on Expenditures in War Department, investigating sale of arms, 2 days, at $2 per day	4 00	
	Travel from Ilion, New York, to Washington, and return, 910 miles, at 10 cents per mile	91 00	
			95 00
J. L. Norton	Attendance as witness before Committee on Expenditures in War Department, investigating sale of arms, 2 days, at $2 per day	4 00	
	Travel from Ilion, New York, to Washington, and return, 910 miles, at 10 cents per mile	91 00	
			95 00
J. W. Boteler & Bro	10 gross matches	45 00	
	2 dozen wisps, $9.60; 1 dozen cork-screws, $6	15 60	
	1 step-ladder	5 00	
	2 dozen wisps, $9.60; 2 dozen combs, $21	30 60	
	3 large pitchers	2 70	
	½ dozen dust-pans	1 20	
	1 step-ladder	5 00	
	6 dozen cut tumblers	24 00	
	½ dozen plated spoons	4 00	
	1 large sugar-bowl	2 75	
	1 large waiter	2 50	
	12 gross parlor-matches	48 00	
	6 tin buckets	15 00	
	2 wash-basins	2 00	
	1 large cooler	12 00	
	6 dozen wisp-brooms	28 80	
	3 dozen combs	31 50	
	3 dozen goblets	12 00	
	1 sugar-scoop	50	
	6 boot-black boxes	15 50	
	6 hat-brushes	6 00	
			309 65
John Cessna	Expenses incurred in contesting his right to a seat as member of the Forty-second Congress, from the sixteenth congressional district of Pennsylvania	.....	4,480 00
Philip Schriftgiesser	Attendance as witness before District of Columbia Committee investigating board of public works, 8 days, at $2 per day	16 00	
	Travel from Hyattsville, Maryland, to Washington, and return, 16 miles, at 10 cents per mile	1 60	
			17 60
C. C. Byrne *et al*	Capitol police pay-roll, March, 1872:		
	C. C. Byrne	100 00	
	M. Carter	100 00	
	J. Stephenson	100 00	
			300 00
A. H. James	28,758 pounds ice furnished House of Representatives during February, 1872, at 54 cents per cwt	.....	155 30
A. H. James	28,020 pounds ice furnished House of Representatives from March 1 to 25, 1872, at 54 cents per cwt	.....	151 30
George Clark	Messenger in Speaker's room for March, 1872	.....	111 60
William H. Boughter	Messenger to Committee on Appropriations for March, 1872	.....	111 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Charles F. Vanderburgh	Messenger to Committee on Ways and Means for March, 1872	.....	$111 60
Catharine Russell	Washing 155 dozen towels for House of Representatives during March, 1872, at 50 cents per dozen	.....	77 50
C. C. Yorpp	Washing 121½ dozen towels for House of Representatives during March, 1872, at 50 cents per dozen	.....	60 75
Daniel W. Bates	Winding and regulating clocks in hall and committee-rooms House of Representatives during March, 1872	.....	25 00
John Boyd	Cash paid for horse-car tickets during March, 1872	.....	25 00
L. H. Douglas	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2	$4 00	
	Travel, 8 miles, at 10 cents	80	
			4 80
W. H. Heustiss	Attendance as witness before Committee on Public Buildings and Grounds, investigating use of Seneca stone in new State Department, 2 days, at $2	.....	4 00
W. E. Vermillion	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 8 miles, at 10 cents	80	
			2 80
W. H. Doan	Attendance as witness before Commerce Committee, investigating alleged restraints upon, and hindrances to, internal commerce by the corporation known as the Southern Improvement Company, 3 days, at $2	6 00	
	Travel, 1,032 miles, at 10 cents	103 20	
			109 20
John Alexander	Attendance as witness before Committee on Commerce, investigating the alleged restraints upon, and hindrances to, internal commerce by the corporation known as the Southern Improvement Company, 3 days, at $2	6 00	
	Travel, 1,032 miles, at 10 cents	103 20	
			109 20
Jeremiah Lombard	Attendance as witness before Committee on Commerce, investigating alleged restraints upon, and hindrances to, internal commerce by the corporation known as the Southern Improvement Company, 2 days, at $2	4 00	
	Travel from Titusville, Pennsylvania, and return, 946 miles, at 10 cents per mile	94 60	
			98 60
Charles H. Pond	Attendance as witness before Committee on Expenditures in War Department, investigating the sale of arms, 2 days, at $2	4 00	
	Travel from Milford, Connecticut, to Washington, and return, 600 miles, at 10 cents	60 00	
			64 00
William L. Stoughton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	105 12
W. H. Church	Attendance as witness before Committee on Expenditures in War Department, investigating sale of arms, 2 days, at $2	4 00	
	Travel from New York City to Washington and return, 436 miles, at 10 cents	43 60	
			47 60
Z. D. Gilman	6 pounds muriatic acid, 60 cents; bottle, 25 cents	85	
	1 quart spirits hartshorn	40	
	2 dozen hair-brushes	24 00	
	3 pounds cuttle-fish bone	1 80	
	¼ pint carbolic acid and bottle	45	
			27 50
B. W. Norris	For the sum of $5,928, under a resolution of the House of April 4, 1872	.....	5,928 00
Francis L. King	Attendance as witness before the Committee on Public Buildings and Grounds, investigating use of Seneca stone in new State Department, 6 days, at $2	12 00	
	Travel from Boston to Washington, 472 miles, at 10 cents	47 20	
			59 20
Charles Lockhart	Attendance as witness before Committee on Commerce, investigating alleged hindrances to, and burdens upon, internal commerce by Southern Improvement Company, 9 days, at $2	18 00	
	Travel from Pittsburgh, Pennsylvania, to Washington, and return, 750 miles, at 10 cents	75 00	
			93 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
H. N. Smith	Attendance before the Committee on Banking and Currency, investigating the national banks in regard to locking up currency, 1 day, at $2	$2 00	
	Travel from New York City to Washington and return, 470 miles, at 10 cents	47 00	
			$49 00
Thornton Smith	Attendance before the District of Columbia Committee, investigating the board of public works, 21 days, at $2	42 00	
	Travel, 4 miles, at 10 cents	40	
			42 40
A. W. Russell	Attendance as witness before the select committee investigating the Navy Department; travel from Philadelphia to Washington and return, 284 miles, at 10 cents		28 40
John Gass	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 7 days, at $2	14 00	
	Travel, 2 miles, at 10 cents	20	
			14 20
J. M. Butler	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 5 days, at $2	10 00	
	Travel, 1 mile, at 10 cents	10	
			10 10
Henry Himber	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 2 days, at $2	4 00	
	Travel, 6 miles, at 10 cents	60	
			4 60
Thomas E. Waggiman	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 2 days, at $2	4 00	
	Travel, 6 miles, at 10 cents	60	
			4 60
Samuel Strong	Attendance as witness before the District of Columbia Committee, investigating the Board of Public Works, 2 days, at $2	4 00	
	Travel, 2 miles, at 10 cents	20	
			4 20
M. Frank Kelly	Attendance as witness before the District of Columbia Committee, investigating the Board of Public Works, 1 day, at $2	2 00	
	Travel, 2 miles, at 10 cents	20	
			2 20
John C. Bradford	Attendance as witness before select committee investigating Navy Department; travel from New York City to Washington and return, 464 miles, at 10 cents		46 40
John Roach	Attendance as witness before select committee investigating the Navy Department, 3 days, at $2	6 00	
	Travel, from New York City to Washington and return, 464 miles, at 10 cents	46 40	
			52 40
Thomas J. Galt	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 3 days, at $2	6 00	
	Travel, 2 miles, at 10 cents	20	
			6 20
E. T. Welles	Attendance as witness before the select committee investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 690 miles, at 10 cents	69 00	
			73 00
W. B. Franklin	Attendance as witness before the select committee investigating the sale of arms, 1 day, at $2	2 00	
	Travel, 690 miles, at 10 cents	69 00	
			71 00
Andrew Fletcher	Attendance as witness before the select committee investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 464 miles, at 10 cents	46 40	
			50 40
James Murphy	Attendance as witness before the select committee investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 464 miles, at 10 cents	46 40	
			50 40
Charles A. Secor	Attendance as witness before the select committee investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 464 miles, at 10 cents	46 40	
			50 40
James F. Secor	Attendance as witness before the select committee investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 464 miles, at 10 cents	46 40	
			50 40

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
A. B. Warner	Attendance as witness before the select committee investigating the Navy Department, 1 day, at $2	$2 00	
	Travel, 464 miles, at 10 cents	46 40	
			$48 40
Hugh Reilly	Attendance as witness before the select committee investigating the sale of arms by the War Department; travel, 464 miles, at 10 cents		46 40
Alfred Day	Attendance before the select committee, investigating the Navy Department, 2 days, at $2	4 00	
	Travel, 284 miles, at 10 cents	28 40	
			32 40
W. H. Allyn	Attendance as witness before the select committee investigating the Navy Department, 16 days, at $2		32 00
Dell Noblitt, jr	Attendance as witness before the select committee investigating the Navy Department, 1 day, at $2	2 00	
	Travel, 284 miles, at 10 cents	28 40	
			30 40
A. W. Markley	Attendance as witness before the Committee on Expenditures in the War Department, investigating the sale of arms, 1 day, at $2	2 00	
	Travel, 280 miles, at 10 cents	28 00	
			30 00
R. C. Hewett	Attendance as witness before the Committee for District of Columbia, investigating the board of public works, 13 days, at $2	26 00	
	Travel, 4 miles, at 10 cents	40	
			26 40
B. D. Carpenter	Attendance as witness before the District Columbia Committee, investigating the board of public works, 7 days, at $2	14 00	
	Travel, 8 miles, at 10 cents	80	
			14 80
J. N. Burrett	Attendance as witness before the District of Columbia Committee, investigating the board of public works, 3 days, at $2	6 00	
	Travel, 4 miles, at 10 cents	40	
			6 40
J. F. Collins	Attendance as witness before Public Buildings and Grounds Committee, investigating use of Seneca stone in new State Department, 2 days, at $2		4 00
R. T. Swart	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 10 miles, at 10 cents	1 00	
			3 00
L. A. Stone	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 8 miles, at 10 cents	80	
			2 80
David Miller	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 8 miles, at 10 cents	80	
			2 80
Joseph Benning	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 6 miles, at 10 cents	60	
			2 60
John F. Cook	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 6 miles, at 10 cents	60	
			2 60
Herman Funk	Attendance as witness before Committee on Expenditures in War Department, investigating the sale of arms, 1 day, at $2		2 00
D. W. Bliss	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2		2 00
T. S. Verdi	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2		2 00
C. C. Cox	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2		2 00
George Smithson	Attendance as witness before select committee investigating Navy Department, 4 days, at $2		8 00

Disbursements from the contingent fund of the House, &c.—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Milton E. Clark	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2	$10 00	
	Travel from Leavenworth, Kansas, to Washington, and return, 2,530 miles, at 10 cents	253 00	
	Express charges on account books	20 00	
			$283 00
A. L. Williams	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 4 days, at $2	8 00	
	Travel from Topeka, Kansas, to Washington, and return, 2,614 miles, at 10 cents	261 40	
			269 40
Robert Crozier	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 2 days, at $2	4 00	
	Travel from Leavenworth, Kansas, to Washington, and return, 2,530 miles, at 10 cents	253 00	
			257 00
Gideon Welles	Attendance as witness before select committee, investigating the Navy Department, 2 days, at $2	4 00	
	Travel from Hartford, Connecticut, to Washington, and return, 690 miles, at 10 cents	69 00	
			73 00
William Faxon	Attendance as witness before select committee investigating Navy Department, 1 day, at $2	2 00	
	Travel from Hartford, Connecticut, to Washington, and return, 690 miles, at 10 cents	69 00	
			71 00
Philp & Solomons	200 reams Manila paper		64 00
Charles A. Meigs	Attendance as witness before Committee on Banking and Currency, investigating lock up of gold by Tenth National Bank, New York City, 3 days, at $2	6 00	
	Travel from New York City to Washington, and return, 464 miles, at 10 cents	46 40	
			52 40
Benjamin F. Isherwood	Attendance before select committee investigating Navy Department; travel from New York City to Washington, and return, 464 miles at 10 cents		46 40
Benjamin Severson	Attendance as witness before District of Columbia Committee, investigating board of public works, 21 days, at $2	42 00	
	Travel, 2 miles, at 10 cents	20	
			42 20
Augustus Boyd	Attendance as witness before select committee investigating Navy Department, 1 day, at $2	2 00	
	Travel from Philadelphia, Pennsylvania, to Washington, and return, 284 miles, at 10 cents	28 40	
			30 40
N. H. Miller	Attendance as witness before District of Columbia Committee, investigating board of public works, 6 days, at $2	12 00	
	Travel, 2 miles, at 10 cents	20	
			12 20
John O. Gray	Attendance as witness before District of Columbia Committee, investigating board of public works, 4 days, at $2	8 00	
	Travel, 4 miles, at 10 cents	40	
			8 40
D. L. Eaton	Attendance as witness before District of Columbia Committee, investigating board of public works, 4 days, at $2	8 00	
	Travel, 2 miles, at 10 cents	20	
			8 20
M. G. Emery	Attendance as witness before Committee on Public Buildings and Grounds, investigating use of Seneca stone in new State Department, 2 days, at $2		4 00
Henry A. Hall	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 6 miles, at 10 cents	60	
			2 60
R. D. Ruffin	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel 6 miles, at 10 cents per mile	60	
			2 60

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Ernest Dickman	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	$2 00	
	Travel 2, miles, at 10 cents per mile	20	
			$2 20
H. J. Alvord	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents per mile	20	
			2 20
John B. Clark, jr	2 sets letters for stencil marking		2 00
David S. Gooding	Expenses in disbursements paid out by him in the prosecuting his claim to have been elected to the 42d Congress, allowed him resolution of the House of April 24, 1872		3,080 00
J. L. Pendery	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 9 days, at $2 per day	18 00	
	Travel from Leavenworth, Kansas, to Washington, and return, 2,530 miles, at 10 cents per mile	253 00	
	Express charges on books	42 20	
			313 20
A. J. James	35,590 pounds ice furnished House of Representatives, from March 25 to April 25, 1872, at 54 cents per cwt		192 18
Moses Bradshaw	Messenger to official reporters from March 27 to April 30, 1872, at $120 per month		136 00
George Clark	Messenger in Speaker's room for April, 1872		108 00
Charles F. Vanderburgh	Messenger to Committee on Ways and Means for April, 1872		108 00
W. H. Boughter	Messenger to Committee of Appropriations for April, 1872		108 00
Catharine Russell	Washing 157 1-12 dozen towels for House of Representatives during April, 1872, at 50 cents per dozen		78 54
Charlotte C. Yorpp	Washing 122 1-6 dozen towels for House of Representatives during April, 1872, at 50 cents per dozen		61 08
A. B. Steinberger	Attendance as witness before Committee on Expenditures in War Department, investigating the sale of arms, 1 day, at $2 per day	2 00	
	Travel from New York City to Washington and return, 464 miles, at 10 cents per mile	46 40	
			48 40
Edward S. Brown	Attendance as witness before Committee on Judiciary, investigating charges against M. W. Delahay, 5 days, at $2 per day	10 00	
	Travel, 370 miles, at 10 cents per mile	37 00	
			47 00
W. F. Potts	Attendance as witness before the select committee investigating the Navy Department, 1 day, at $2 per day	2 00	
	Travel, 284 miles, at 10 cents per mile	28 40	
			30 40
Thomas E. Blair	Attendance as witness before District of Columbia Committee, investigating board of public works, 11 days, at $2 per day	22 00	
	Travel, 2 miles, at 10 cents per mile	20	
			22 20
John Boyd	Cash paid for horse-car tickets for month of April, 1872		20 00
Nicholas Acker	Attendance as witness before Committee on Public Buildings and Grounds, investigating use of Seneca stone in the new State Department, 2 days, at $2 per day		4 00
H. J. Alvord	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents per mile	20	
			2 20
D. W. Bates	Winding and regulating clocks in hall and committee-rooms, House of Representatives, during April, 1872		25 00
E. J. Stilling	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2 per day	10 00	
	Travel, 2,530 miles, at 10 cents per mile	253 00	
			263 00
J. W. Green	Attendance before District of Columbia Committee, investigating affairs in District of Columbia, 21 days, at $2 per day	42 00	
	Travel, 2 miles, at 10 cents per mile	20	
			42 20

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
J. B. Kinsman	Services and expenses in procuring evidence and papers for the Committee on Judiciary, investigating charges against M. W. Delahay; railroad fare from Washington to Chicago, Illinois, Davenport, Iowa, Leavenworth, Topeka, Lawrence, Garrett, Kansas, and return	$213 50	
	16 days' and nights' service in traveling	250 00	
	Telegraphing	2 50	
			$466 00
C. J. Garrison	Attendance as witness before Committee on Expenditures in War Department, investigating sale of arms, 1 day, at $2 per day	2 00	
	Travel from New York City to Washington and return, 464 miles, at 10 cents per mile	46 40	
			48 40
Archibald L. Williams	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 9 days, at $2 per day		18 00
Bryan Bros	4 large baskets, at $2.50	10 00	
	1 large basket, at $1.50	1 50	
			11 50
William Forsyth	Attendance as witness before District of Columbia Committee, investigating board of public works, 3 days, at $2 per day	6 00	
	Travel, 3 miles, at 10 cents per mile	30	
			6 30
P. H. Rheinhard	Attendance as witness before District of Columbia Committee, investigating board of public works, 3 days, at $2 per day	6 00	
	Travel, 2 miles, at 10 cents per mile	20	
			6 20
Isaac G. McKissick	Expenses and disbursements incurred by him in prosecuting his claim to a seat in the 42d Congress, under resolution of the House, May 9, 1872		2,154 68
J. H. Harris	Expenses and disbursements incurred by him in prosecuting his claim to a seat in the 42d Congress, allowed him by resolution of the House of May 6, 1872		1,500 00
P. H. Watson	Attendance as witness before Committee on Commerce, investigating Southern Improvement Company, 8 days, at $2 per day	16 00	
	Travel, 1,170 miles, at 10 cents per mile	117 00	
			133 00
John Robbins	Attendance as witness before select committee investigating the Navy Department, 2 days, at $2 per day	4 00	
	Travel 284, miles, at 10 cents per mile	28 40	
			32 40
John O. Evans	Attendance as witness before District of Columbia Committee, investigating board of public works, 12 days, at $2 per day		24 00
B. Oertly	Attendance as witness before District of Columbia Committee, investigating board of public works, 4 days, at $2 per day		8 00
J. E. Harvey	Attendance as witness before District of Columbia Committee, investigating board of public works, 3 days, at $2 per day	6 00	
	Travel, 2 miles, at 10 cents per mile	20	
			6 20
John Bull	Attendance as witness before Committee on Banking and Currency, 2 days, at $2 per day	4 00	
	Travel, 4 miles, at 10 cents per mile	40	
			4 40
Thornton Smith	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents per mile	20	
			2 20
R. Ingalls	Attendance as witness before Committee on Expenditures in War Department, investigating sale of arms; travel from Fifty-fourth street, New York City, to Washington and return, 470 miles, at 10 cents per mile		47 00
J. G. Carroll	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents per mile	20	
			2 20
W. J. Moore	Attendance as witness before Military Committee, investigating loss of Buell papers, 1 day, at $2 per day		2 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
E. T. Welles	Attendance as witness before select committee investigating affairs in Navy Department, 2 days, at $2 per day	$4 00	
	Travel from Hartford, Connecticut, to Washington and return, 690 miles, at 10 cents per mile	69 00	
			$73 00
Robert, Morrill & Co.	2 Seth Thomas clocks, at $25		50 00
George W. Goodall	4 globes, $6; 7 feet tubing, $3.50; 1 goose-neck, 95 cents	10 45	
	1 dozen chimneys, $3; 2 decorated shades, $9; 6 feet tubing, $3	15 00	
	1 fancy shade, $4.50; 1 Argand burner, 75 cents; chimney, 25 cents	5 50	
	Repairing drop-light	2 00	
	Soft tubing, $4; 1 goose neck, 75 cents; 1 G-joint, 75 cents	5 50	
	10 feet tubing, $5; 1 goose-neck, 75 cents; 1 G-joint, 75 cents	6 50	
	4 dozen globes, $60; 1 Argand burner and holder, $1.50	61 50	
	1 drop-light, shade, Argand burner, and tubing	25 00	
	1 drop-light, shade, Argand burner, and tubing	18 00	
			149 45
W. S. Mitchell & Co.	77¼ yards carpet, Committee on Indian Affairs, at $2.50	194 37	
	Sewing same	7 78	
	58 yards lining	8 70	
	133⅞ yards carpet, Committee of Ways and Means, at $2.50	334 69	
	Sewing same	13 39	
	100 yards lining	15 00	
	51½ square yards cocoa-matting, post-office, at $1.10	56 65	
	20 2-9 yards oil-cloth, at $2	40 45	
	6 needles	38	
	6 1-9 yards oil-cloth, at $2	12 22	
	1 fine rug, Committee on Commerce	12 00	
	142½ square yards cocoa-matting, congressional committees, at $1.10	156 75	
	Sewing and laying same	26 72	
			879 10
W. D. Wyvill	1 set shovel and tongs, Committee on Appropriations	8 00	
	1 pair andirons, Committee on Accounts	12 00	
	1 fender, Committee on Commerce	12 00	
	1 set shovel and tongs, post-office	8 00	
	1 poker, post-office	2 00	
	2 brackets, journal clerk's room	4 00	
	1 pair brass-andirons, journal clerk's room	20 00	
	1 grate, stationery clerk	6 00	
	1 fender, Committee on Manufactures	12 00	
			84 00
Joseph Reese	Upholsterer to House of Representatives during April, 1872		120 00
D. W. Bates	Repairing clocks in committee-rooms, Banking and Currency and Post-Offices and Post-Roads		10 00
William Devise	Attendance as witness before District of Columbia Committee, investigating board of public works, 3 days, at $2 per day	6 00	
	Travel, 2 miles, at 10 cents per mile	20	
			6 20
J. B. Wilson	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2 per day	4 00	
	Travel, 2 miles, at 10 cents per mile	20	
			4 20
Clinton Lloyd	Sundry expenses paid on freight, express, and telegrams on public business		11 70
George Follansbee	Attendance as witness before District of Columbia Committee, investigating board of public works, 5 days, at $2 per day	10 00	
	Travel, 2 miles, at 10 cents per mile	20	
			10 20
Michael Hine	Attendance as witness before District of Columbia Committee, investigating board of public works, 5 days, at 2 per day		10 00
John M. Judd	1 map of United States	1 75	
	2 maps District of Columbia	3 50	
			5 25
Joseph Pearson	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents per mile	20	
			2 20

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
George H. Farnham	Attendance as witness before the select committee investigating the loss of Buell papers, 1 day, at $2 per day		$2 00
H. K. Randall	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2 per day	$4 00	
	Travel, 2 miles, at 10 cents per mile	20	4 20
D. K. Anthony	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 1 day, at $2 per day		2 00
G. W. Whitmore	Expenses incurred in contesting his right to a seat in 42d Congress under resolution of the House of May 24, 1872		2,000 00
Ben Pittman	Attendance as witness before Military Committee, investigating loss of Buell records, 8 days, at $2 per day	16 00	
	Travel from Cincinnati, Ohio, to Washington and return, 1,222 miles, at 10 cents per mile	122 20	138 20
George K. Leet	Attendance as witness before Military Committee, investigating loss of Buell records, 1 day, at $2 per day	2 00	
	Travel from New York City to Washington and return, 464 miles, at 10 cents per mile	46 40	48 40
J. S. Kellogg	1 set Annals of Congress, 42 volumes	50 00	
	1 set American State Papers, 38 volumes	75 00	
	1 set American Archives, 9 volumes	25 00	
	1 set Benton's "Thirty Years in U. S. Senate"	4 50	
	1 set Hickey's Constitution	50	155 00
J. F. Legate	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2 per day		10 00
J. C. Burnett	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2 per day		10 00
A. G. McKenzie	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2		10 00
M. H. Insley	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2		10 00
John Gibson	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2		4 00
A. H. Horton	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 1 day, at $2		2 00
Frank Taylor	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2		2 00
T. W. Osborne	Attendance as witness before Committee on Judiciary, investigating charges against M. W. Delahay, 5 days, at $2		10 00
J. B. Abbott	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2		10 00
D. C. Buell	Attendance as witness before Military Committee, investigating loss of Buell papers, 3 days, at $2	6 00	
	Travel from Gurnville to Washington and return, 1,846 miles, at 10 cents	184 60	190 60
W. H. Boughter	Messenger to Committee on Appropriations during May, 1872		111 60
G. A. Colton	Attendance as witness before Judiciary Committee, investigating charges against M. W. Delahay, 5 days, at $2		10 00
W. W. Demaine	Attendance as witness before District of Columbia Committee, investigating board of public works, 4 days, at $2		8 00
E. T. Brand	Attendance as witness before Military Committee, investigating loss of Buell papers, at $2		4 00
Catharine Russell	Washing 165¼ dozen towels for House of Representatives during May, 1872, at 50 cents		82 87

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Frank Morey	Balances remaining unpaid upon accounts of witnesses who were before the Committee on Elections in the summer of 1869, (section 11, act of April 20, 1871,) as follows:		
	B. Duvall	$49 00	
	B. Frasier	26 00	
	Louis Zim	26 00	
	A. H. Pillett	25 00	
	Dr. D. McKay	17 80	
	J. N. Judice	17 00	
	William L. Thompson	12 00	
	J. D. Corbett	4 00	
	James Gibney	4 00	
	William Roy	4 00	
	James D. McHenry	27 00	
	Henry Train	14 00	
	John Navarre	17 00	
	Theodore Herbert, jr	17 00	
	I. J. Howard	10 00	
	Samuel W. Staats	12 50	
	Leo. Perrett	12 00	
	G. R. Wright	17 80	
	W. W. McCurley	34 00	
	J. N. Sandige	26 00	
	W. J. Erwin	17 00	
	Philip Barber	11 00	
	William B. Grayson	24 00	
	David Kelley	27 00	
	Robert B. Ray	11 80	
	Thomas C. Lewis	32 00	
	William S. Curtis	32 00	
	John C. Tucker	14 00	
	S. B. Shackelford	22 00	
	John De Lacy	22 00	
	R. L. Bradley	14 00	
	William G. Walker	15 60	
	Ed. Harking	14 00	
	Willis Prescott	22 00	
	Edward Henderson	10 00	
	William H. McDonald	11 80	
	Patrick Walsh	27 80	
	O. S. Taylor	36 00	
	W. J. Lyle	20 00	
	William L. Ditto	20 00	
	Ernest Martin	20 00	
	J. L. Lewis	20 00	
	August Teutch	29 00	
	F. W. Stokes	26 00	
	A. N. Jones	20 00	
	Solomon White	42 00	
	Thomas Johnson	42 00	
	W. C. Carr	34 00	
	A. W. Faulkner	30 00	
	William Vigers	27 80	
	Eugene Staes	36 00	
	R. P. Webb	11 80	
	William Joyce	7 80	
	Henry Ratley	45 00	
	Edward Henderson	50 00	
	Samuel H. Houston	10 00	
	D. P. Kirby	10 00	
	C. B. Young	4 20	
	Jacob Humbt	32 00	
	Jacob S. Servins	20 00	
	J. H. Wisnell	31 00	
	J. M. Scanland	28 00	
	Martin Flood	100 00	
	W. S. Mudgett	100 00	
			$1,552 70
L. A. Sheldon	Balances remaining unpaid upon accounts of witnesses who were before Committee on Elections in the summer of 1869, (section 11, act April 20, 1871,) as follows:		
	Albert Lastrapes	14 00	
	F. S. Mudd	17 00	
	Richmond Lewis	14 00	
	A. S. Badger	20 00	
			65 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
C. B. Darrall	Balances remaining unpaid upon accounts of witnesses who were before Committee on Elections in the summer of 1869, (section 11, act of April 20, 1871,) as follows: J. B. Esnard		$30 00
J. H. Sypher	Balances remaining unpaid upon accounts of witnesses who were before Committee on Elections in the summer of 1869, (section 11, act of April 20, 1871,) as follows: J. W. Shoemaker		20 00
A. H. James	66,340 pounds ice furnished House of Representatives from April 26 to May 26, 1872, at 54 cents per 100 pounds		358 23
J. S. Kellogg	1 set Niles's Register	$150 00	
	1 set Debates, Part II, vol. 8	25 00	
	(Under resolution of the House, May 2, 1872.)		175 00
Jos. Reese	Upholsterer to House of Representatives during May, 1872		120 00
George Clark	Messenger in Speaker's room during May, 1872		111 60
C. F. Vanderburgh	Messenger to Committee on Appropriations during May, 1872		111 60
M. G. Copeland	2 awnings for enrolling-room	20 00	
	2 awnings for journal-room	20 00	
	2 awnings for Committee on Appropriations	20 00	
	2 awnings for Committee on the Post-Office and Post-Roads	20 00	
	3 awnings for chief clerk's office	30 00	
			110 00
C. C. Yorpp	Washing 146 dozen towels for House of Representatives during May, 1872, at 50 cents per dozen		73 00
A. W. Craven	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2	4 00	
	Travel from New York to Washington and return, 464 miles, at 10 cents	46 40	
			50 40
Lew Wallace	Attendance as witness before Military Committee, investigating loss of Buell papers, 15 days, at $2		30 00
John Boyd	Cash paid for horse-car tickets during May, 1872, for use of House of Representatives		20 00
D. W. Bates	Winding and regulating clocks in hall and committee-rooms, House of Representatives, during May, 1872		25 00
Louis Heiner	Attendance as witness before District of Columbia Committee, investigating board of public works, 1 day, at $2	2 00	
	Travel, 8 miles, at 10 cents	80	
			2 80
Edward McPherson	Certifying extracts of the Journal for the 2d session 42d Congress, 960 certificates, at 25 cents		240 00
Moses Bradshaw	Messenger to official reporters during May, 1872, under House resolution of March 25, 1872		120 00
John Boyd	Cash paid for horse-car tickets for use of House of Representatives, during June, 1872		30 00
G. M. Wight	1 double pedestal desk	125 00	
	Repairing and covering large revolving chair, Clerk's office	6 00	
	1 office-table	16 00	
			147 00
J. W. Boteler & Bro.	1 dozen goblets	4 00	
	1 dozen hair-brushes	17 50	
	1 dozen waste-baskets	16 50	
	1 hatchet	80	
	1 silver-plated ice-pitcher	19 00	
	2 dozen boxes blacking	2 40	
	1 dozen blacking-boxes	9 00	
	2 dozen hair-combs	20 00	
	Large tub	1 75	
	2 large bowls	17 00	
	2 plated ladles	9 00	
	2 dozen glass mugs	6 00	
	275 palm-leaf fans	16 50	
	2 lemon-squeezers	50	
			139 95
W. D. Wyvill	4 mail-baskets, at $6	24 00	
	2 axes, at $1.75	3 50	
	2 helves, at 25 cents	50	
	6 brass lubricators, at 75 cents	4 50	
	1 large tea-chest	6 00	
	60 pounds ½ rubber packing, at 65 cents	39 00	
	40 pounds 1-16 rubber packing, at 75 cents	30 00	
			107 50

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
L. C. Campbell	2 dozen papers tacks	$2 15	
	Repairing wheels of 3 trucks	19 75	
	1 brace	2 25	
	6 fine padlocks	16 50	
	1 dozen cylinder night-latches	18 00	
	1 gross night-latch keys	16 00	
	1-6 dozen locks	1 00	
	6 gross screws	3 25	
	1 yard duck	60	
	1 lock	1 25	
			$80 75
John T. Mitchell	12 dozen stay-laces, at 50 cents	6 00	
	24 dozen stay-laces, at 50 cents	12 00	
	4 dozen towels, at $12	48 00	
			66 00
G. M. Wight	1 pedestal-table		50 00
Z. D. Gilman	Attendance as witness before District of Columbia Committee, investigating board of public works, 2 days, at $2 per day		4 00
Z. D. Gilman	Carbolic acid	45	
	½ pound camphor	75	
	1 bottle alcohol	1 50	
			2 70
Bailey & Co	Repairs to Speaker's dial		2 50
W. H. & O. H. Morrison	1 Philadelphia Directory, 1872	5 00	
	1 Scott's Military Dictionary, Committee on Military Affairs	6 50	
	1 Army Regulations, Committee on Military Affairs	4 00	
	1 Colton's General Atlas, Library House of Represent's.	20 00	
			35 50
R. H. Love	Attendance as witness before Committee on Indian Affairs, 1 day, at $2 per day	2 00	
	Travel, 2 miles, at 10 cents	20	
			2 20
N. W. Burchell	50 pounds tea, at $2 per pound	100 00	
	272 pounds powdered sugar, at 14 cents per pound	38 08	
	218 pounds granulated sugar, at 14 cents per pound	30 52	
	Box lemons	6 00	
	2 boxes lemons, at $6 per box	12 00	
	225 pounds granulated sugar, at 16 cents per pound	31 50	
	3 boxes lemons, at $6 per box	18 00	
	6 boxes lemons, at $6 per box	36 00	
	287 pounds granulated sugar, at 14 cents per pound	40 18	
	25 pounds Castile soap, at 50 cents	12 50	
	223 pounds granulated sugar, at 14 cents per pound	31 22	
	4 boxes lemons, at $6 per box	24 00	
	2 boxes lemons, at $6.20 per box	12 40	
	250 pounds granulated sugar, at 14 cents per pound	35 00	
	6 boxes lemons, at $6.50 per box	39 00	
	20 pounds tea, at $2 per pound	40 00	
	50 pounds powdered sugar	7 00	
			513 40
N. W. Burchell	31 pounds Castile soap, at 35 cents per pound	10 85	
	31 pounds Castile soap, (white) at 50 cents per pound	15 50	
	358 pounds sal soda	25 06	
	10 pounds mixed tea, at $2 per pound	20 00	
	50 pounds granulated sugar	7 50	
	20 pounds mixed tea, at $2 per pound	40 00	
	100 pounds granulated sugar, at 14 cents per pound	14 00	
	122 pounds Castile soap, at 35 cents per pound	42 70	
	50 pounds mixed tea, $100; 1 barrel granulated sugar, $41.30	141 30	
	50 pounds mixed tea, $100; 15 pounds granulated sugar, $2.10	102 10	
	302 pounds granulated sugar, at 14 cents per pound	42 28	
			461 29
N. W. Burchell	256 pounds granulated sugar	35 84	
	2 boxes lemons	13 00	
	1 barrel granulated sugar	33 88	
	20 pounds best tea	40 00	
	50 pounds powdered sugar	7 00	
	4 boxes lemons	26 00	
			155 72
Geo. Ryneal	5 gallons alcohol	13 75	
	2 dozen paste-brushes	8 50	
	5 gallons alcohol	13 75	
	1 gallon astral oil, 60 cents; can, 60 cents	1 20	
	4⅓ gallons alcohol	13 40	
	2 dozen No. 5 varnish-brushes	8 50	
	1 hurricane-lantern	1 75	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Geo. Ryneal—Cont'd...	½ gallon coal-oil, 20 cents; can, 40 cents	$0 60	
	6 brass O. K. lanterns	18 00	
	1 dozen lamp-wicks	20	
	5 gallons astral oil, $3; can, 75 cents; patent stopper, 15 cents	3 90	
	2 lantern-globes	80	
	5 gallons astral oil	3 00	
	2 lantern-globes, 80 cents; 4 Alladin burners, $1	1 80	
	4 lantern-globes	1 60	
	4 gallons alcohol	12 19	
	1 dozen bales candle-wick	1 20	
	5 gallons astral oil	3 00	
	4 dozen paste-brushes	16 00	
			$123 14
Andrew Johnson.....	Attendance as witness before Committee on Military Affairs, investigating loss of Buell papers, 1 day, at $4 per day	4 00	
	Travel from Greenville, Tenn., to Washington and return, 880 miles, at 5 cents	44 00	
			48 00
Wm. S. Mitchell.....	20 yards oil-cloth, at $2 per yard	40 00	
	2 large shades, at $4 each	8 00	
			48 00
F. G. Middleton.....	Compiling and copying bank records, ordered by the Judiciary Committee, investigating charges against M. W. Delahay		150 00
G. M. Wight.....	1 walnut table for the use of House of Representatives		75 00
John R. Hunt.....	Clock-shelf and repairing book-case	7 00	
	500 file-sticks	20 00	
	Bulk-heads for coal-bunks	15 25	
	1 packing-box, Judiciary	3 33	
	Repairing door, Mines and Mining	50	
	Repairing table, Ways and Means	75	
	Repairing desk, Foreign Affairs	50	
	Repairing door, Claims	50	
	Repairing door, Elections	25	
	Repairing book-case, Speaker's room	75	
	Repairing sofa, Speaker's room	75	
	Repairing door and lock, water-closet	1 80	
	Repairing 7 chairs	3 50	
	Repairing hall, House of Representatives	2 00	
	Repairing store-room	2 00	
	Repairing chair	50	
	Repairing door, hall	50	
	Repairing 2 chairs	1 00	
	Taking out and putting in screens	3 00	
	2 file-drawers, Appropriations	2 00	
	Repairs, Appropriations	1 75	
	Putting on 2 locks and repairs, hall	3 00	
	Repairs, Committee on Post-Office and Post Roads	50	
	Repairs, flag-box, &c	2 25	
			71 88
H. S. Johnston.....	Attendance as witness before District of Columbia Committee, investigating board of public works, 4 days, at $2 per day		8 00
J. P. C. Shanks.....	Expenses of Committee on Indian Affairs, investigating the condition of Indian affairs, under House resolutions of January 8, June 1, and June 10, 1872		3,000 00
R. T. W. Duke.....	Mileage as member of the sub-committee on Mississippi Levees, from Charlottesville, Virginia, to New Orleans, Louisiana, and travel on the Mississippi River and return, under House resolution of June 8, 1872, 3,994 miles, at 10 cents per mile		399 40
Frank Morey.....	Mileage as member of the sub-committee on Mississippi Levees, from Monroe to New Orleans, Louisiana, and travel on the Mississippi River and return, under House resolution of June 8, 1872, 1,740 miles, at 10 cents per mile		174 00
George C. McKee.....	Mileage as member of the sub-committee on Mississippi Levees, from Vicksburgh, Mississippi, to New Orleans, Louisiana, and travel on the Mississippi River and return, under House resolution of June 8, 1872, 1,500 miles, at 10 cents per mile		150 00
W H. Boughter.....	Messenger to Committee on Appropriations during June, 1872		108 00
C. F. Vanderburgh.....	Messenger to Committee on Ways and Means during June, 1872		108 00
George Clark.....	Messenger in Speaker's room during June, 1872		108 00
Joseph Reese.....	Upholsterer to House of Representatives during June, 1872		120 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	MISCELLANEOUS ITEMS—Continued.		
Thomas B. Bell	Expenses incurred in making tea and lemonade for use of House of Representatives during 2d session 42d Congress		$100 00
R. S. Warring	Attendance as witness before Commerce Committee, investigating the Southern Improvement Company, 2 days, at $2 per day	$4 00	
	Travel from Pittsburgh, Pennsylvania, to Washington and return, 748 miles, at 10 cents per mile	74 80	
			78 80
W. G. Warden	Attendance as witness before Commerce Committee, investigating Southern Improvement Company, 6 days, at $2 per day	12 00	
	Travel from Philadelphia, Pennsylvania, to Washington and return, 280 miles, at 10 cents per mile	28 00	
			40 00
R. J. Stevens	Use of carriages for Committee on Appropriations, June 10, 1872		10 00
C. S. Noyes	Attendance as witness before District of Columbia Committee, investigating board of public works, 5 days, at $2 per day		10 00
D. C. Forney	Attendance as witness before District of Columbia Committee, investigating board of public works, 3 days, at $2 per day		6 00
Philp & Solomons	25 volumes of Appleton's Encyclopedia, at $4	100 00	
	12 volumes Moore's Rebellion Record	51 00	
			151 00
Frank Morey	Balances remaining unpaid on accounts of witnesses who appeared before the Committee on Elections in the summer of 1869, (sec. 11, act of April 20, 1871,) as follows:		
	Allen Greene		44 60
John R. Hunt	9 boxes for packing books for public libraries		24 00
D. W. Bates	Winding and regulating clocks for hall and committee-rooms, House of Representatives, during June, 1872		25 00
C. W. Buckley	Expenses in hiring carriages in presenting enrolled bills to the President		22 00
Z. D. Gilman	4¼ dozen English hair-brushes		77 75
Catharine Russell	Washing 86¼ dozen towels for House of Representatives during June, 1872, at 50 cents per dozen		43 25
C. C. Yorpp	Washing 54 7-12 dozen towels for House of Representatives during June, 1872, at 50 cents per dozen		27 28
F. J. Bartlett	Advertising proposals for ice in Daily Patriot	3 75	
	Advertising proposals for fuel in Daily Patriot, 6 squares, 3 times	7 00	
			10 75
James Ladd	Advertising proposals for ice in Daily Chronicle, 3 squares, 2 times		6 00
Moses Bradshaw	Services as messenger to official reporters from June 1 to June 20, 1872, under House resolution of March 25, 1872		79 12
N. D. Bangs	New York World furnished W. E. Arthur, 6 months		6 00
Howell & Clark	Gate City furnished G. W. McCrary during 2d session 42d Congress		4 00
	NEWSPAPERS AND STATIONERY.		
J. C. Parker	100 reams Platner & Porter quarto-post paper, at $3.49	349 00	
	50½ reams Platner & Porter quarto-post paper, wide ruled, at $3.49	176 25	
	200 reams Platner & Porter commercial note, at $1.86	372 00	
	150 reams Platner & Porter commercial note, wide ruled, at $1.86	279 00	
	50 reams Platner & Porter commercial note, plain, at $1.86	93 00	
	60 reams Platner & Porter legal cap, at $4.89	293 40	
	40 reams Platner & Porter legal cap, wide ruled, at $4.89	195 60	
	50 reams Platner & Porter foolscap, wide ruled, at $4.89	244 50	
	47¾ M No. 9 envelopes, 8¼ by 3½, adhesive, at $4.23	201 98	
	25 gross A. W. Faber's black-lead pencils, hexagon, No. 2, at $6.89	172 25	
	3 dozen scrap-books, at $17.75	53 25	
	1 dozen autograph-books	21 60	
	1 dozen autograph-books	13 44	
	1 dozen autograph-books	13 44	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
J. C. Parker—Cont'd	1 dozen autograph-books	$16 08	
	1 dozen autograph-books	7 44	
			$2,502 23
J. L. Kervand	1½ dozen pocket-books, No. 1598, at $16	28 00	
	10 gross pen-holders, No. 5476, at $4.58	45 80	
			73 80
Wm. B. Washburn	Commutation of allowance for newspapers and stationery for the fiscal year ended June 30, 1872		125 00
Stephenson Archer	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		108 41
Samuel Warrington	50 gross Falcon pens, at 45 cents		22 50
Samuel Sinclair	New York Tribune, furnished J. A. Garfield from September 15, 1870, to December 7, 1871		12 34
M. Halstead & Co	Commercial, furnished by order of the Clerk from Nov. 30, 1871, to Aug. 1, 1872, to William E. Niblack		9 35
E. R. Pelton	Eclectic Magazine, furnished by order of the Clerk 1 year to Jasper Packard		5 00
Alfred Martein & Co	Presbyterian, furnished by order of the Clerk 1 year to J. M. Coughlan		2 50
Philp & Solomons	65 boxes black sand, at 6 cents	3 90	
	77,000 speech envelopes, at $1.87	143 49	
			147 39
J. M. Rice	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		98 79
John W. Leach	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		87 34
James L Kervand	1 Russia-leather card-case	2 25	
	1 Russia-leather card-case	1 50	
	Stamping 1 package note-paper, 5 packages envelopes	75	
	2 card-cases, at $2	4 00	
	1 card-case	1 00	
	Lettering card-case	30	
	3 dozen penknives, at $34.85	104 55	
	6 dozen penknives, at $21.72	130 32	
	Stamping ¼ ream note and 125 envelopes	75	
	Engraving 1 stamp, Hon. W. L. Sessions	1 25	
			246 67
W. S. Holman	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		76 50
Charles W. Buckley	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		118 14
John Edwards	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		92 58
Philp and Solomons	½ ream French note	2 50	
	½ ream extra cap, ¼ sheets	3 50	
	1 blank-book	1 95	
	1 ream letter, extra, $4.50; ½ ream letter, plain, $2.25	6 75	
	¼ packet note, 75 cents; ¼ ream commercial note, 63 cents	1 38	
	½ ream English note, $3.12; 1 ream French note, $4.76	7 88	
	1 ream rose-tint note, $6; 1 ream square note, $2	8 00	
	¼ ream antique note, $1.50; ¼ ream billet note, $1.25	2 75	
	½ ream note	3 00	
	750 letter-envelopes, $4.31; 125 letter-envelopes, 62 cents; 125 letter-envelopes, 56 cents	5 49	
	300 official envelopes, $2.70; 250 English envelopes, $2.24.		
	500 French envelopes, $3; 250 rose-tint, $8.28	4 94	
	1 dozen pen-racks, single	11 28	
	1 dozen pen-racks, double	3 00	
	1 gross Pickwick pens	3 50	
	1 diary, $1.25; 2 diaries, $3.20	4 00	
		4 45	
Towers & Mudd	2 dozen David's ink, quarts, at $6.50		74 37
	2 dozen David's ink, pints, at $2.60	13 00	
	2 dozen David's ink, ½ pints, at $2.25	7 26	
		4 50	
Wm. C. Bryant & Co	New York Evening post, furnished by order of the Clerk to—		24 76
	Clerk House of Representatives, 1 year		
	P. M. Dox, from December 12, 1871, to June 12, 1872	12 00	
	S. Shellabarger, from January 3 to April 3, 1872	6 00	
		3 00	
José G. Garcia	El Coronista, furnished by order of the Clerk to J. M. Gallegos 1 year		21 00
			16 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Philp & Solomons	1 copying-brush	$75	
	Stamping-press	12 00	
	1 dater, extra	1 50	
			$14 25
E. F. Waters	Boston Daily Advertiser sent to Clerk House of Representatives 1 year		12 00
Harper & Brothers	Publications furnished by order of Clerk to—		
	Hon. J. H. Rainey, 1 year, Weekly and Bazaar	7 00	
	Hon. J. A. Garfield, Weekly, 1 year	4 00	
			11 00
Charles Kirby	25 gross commercial pens, at 40 cents		10 00
Lyttle and Gay	Living Age, furnished one year to Hon. Geo. F. Hoar		8 00
Harper & Brothers	Monthly and Weekly, furnished by order of the Clerk 1 year to Jasper Packard		7 00
J. H. Kelley	Herald, furnished by order of Clerk to John Critcher, 1 year		5 00
Charles W. Slack & Son.	Boston Commonwealth, furnished by order of Clerk to James Buffinton, 2 years		5 00
J. C. Shields	Richmond Whig, furnished by order of Clerk, 1 year, to John Critcher		5 00
Seigfried & Haskins	Daily Ledger, furnished by order of Clerk, 6 months, to W. E. Arthur		4 00
Harper & Bros	Weekly, furnished by order of Clerk, 1 year, to Samuel Shellabarger		3 50
W. Y. Leader	Industrial Protector, furnished by order of Clerk, to S. S. Burdett, 1 year		3 00
E. Zimmerman	Democratic Messenger, furnished by order of Clerk, to Jasper Packard, 1 year		2 00
McCready & Co	American Protestant, furnished by order of the Clerk, to James Buffinton, 1 year		2 00
George M. Adams	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		111 97
Philp & Solomons	1 Lynch's paper-moistener	6 00	
	1 ream envelope-paper	5 00	
	11 bottles Stevens's ink	4 13	
	1 dozen mucilage-brushes	60	
	2 dozen David's carmine ink	9 00	
	½ dozen memorandum-books	4 50	
	½ dozen memorandum-books	4 00	
	¼ dozen memorandum-books	88	
	¼ dozen memorandum-books	1 62	
	½ dozen memorandum-books	1 75	
	2 dozen memorandum-books	8 75	
	½ dozen memorandum-books	1 38	
	10 memorandum-books	2 56	
	3 dozen memorandum-books	3 70	
	½ dozen memorandum-books	1 12	
	10 gross bands	34 80	
	10 gross bands	15 00	
	12 dozen pieces sponge	7 80	
	Stamping 1 ream paper and 500 envelopes	5 00	
	2 gross Congress tie envelopes	14 51	
	1 dozen quarts French copying-ink	8 00	
	1 dozen pints French copying-ink	4 50	
	1 ream antique parchment, $3.50; 250 envelopes, $2.80	6 30	
	6 reams French note	16 50	
			167 40
Philp & Solomons	1 inkstand and tray	5 50	
	1 glass paper-weight	1 00	
	1 pincushion	1 25	
	1 pen-wiper	1 00	
	½ dozen pen-holders	30	
	Ink and pencil eraser	30	
	Inkstand and tray	4 25	
	1 pincushion	1 25	
	1 pen-wiper	1 00	
	1 porcelain slate	2 00	
	1 gold pen	2 00	
	3 rubber-holders	1 25	
			21 10
Philp & Solomons	3,000 buff envelopes, No. 12		21 00
John A. Bingham	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		118 55
John M. Crebs	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		103 30
William A. Handley	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		72 68
F. W. Christern	L'Illustration, furnished by order of Clerk to Samuel Shellabarger, 3 months		3 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Thomas Smith	Gospel Messenger, furnished by order of Clerk for 2d session 42d Congress to P. M. Dox		$2 50
James Brooks	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		124 67
R. J. Bright & Co	State Sentinel, furnished by order of the Clerk to M. C. Kerr, 1 year		10 00
J. B. Storm	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		99 53
Samuel Shellabarger	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		96 60
K. E. Knott	2 dozen newspaper-files		17 00
M. Halstead & Co	Commercial, furnished by order of the Clerk to Clerk's office, 1 year		14 00
James Anthony & Co	Daily News, furnished by order of the Clerk to Clerk's office, 1 year		12 00
Pratt Brothers	American Workman, furnished by order of the Clerk to—		
	E. A. Hibbard, 1 year	$2 00	
	S. S. Burdett, 1 year	2 00	
			4 00
W. L. Towers	15 dozen Faber's ink and pencil erasers		21 00
Philp & Solomons	1 dozen boxes leads	50	
	50 cloth-lined envelopes	1 75	
	1-6 dozen pen-racks	54	
	1 gross Mark Levy's pens	1 37	
	38,000 white envelopes, No. 6	136 80	
	44 papeteries, $1.95	85 80	
	1 dozen quarts Dichoric ink	15 00	
	1 ream letter-paper, ruled to order	4 75	
	4 reams extra heavy letter	21 00	
	Printing from plate 4 reams letter and 4 reams note	32 00	
	Ruling 1 ream note and 1 ream letter	1 20	
			300 71
Philp & Solomons	1 case Rodgers's scissors, $6; 12 gross No. 303 pens, $15	21 00	
	6 papeteries, at $1.95	11 70	
	¼ ream note, extra, $1; 4 packs envelopes, $1	2 00	
	6 Magil's machines, $12; 1 pound black sand, 20 cents	12 20	
	6 pints Arnold's ink, $2.25; 6 ½-pints Arnold's ink, $1.25	3 50	
	6 fancy wax candles	30	
	2 bankers' inkstands	2 70	
	500 envelopes	2 25	
	2½ dozen Arnold's ink, ½-pints, at $2 50	6 25	
	1 dozen boxes leads	40	
	100 boxes black sand	6 00	
	12 dozen Congress tie-envelopes, at 75 cents	9 00	
	2½ dozen Arnold's ink, pints, at $4.50	11 25	
			88 55
Philp & Solomons	10 packs cards, and printing, at $1	10 00	
	10 packs cards, and printing, at $1	10 00	
	2 prayer-books	2 75	
	14 packs cards, and printing, at 75 cents	10 50	
	16 quires French note	4 80	
	16 packs envelopes	4 00	
	500 cards, and printing	7 50	
	1 chatter-box	1 50	
	1 box stationery, stamped B	2 50	
			53 55
Philp & Solomons	2,500 envelopes, xx, No. 12		15 50
William P. Price	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		116 94
W. W. Vaughn	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		112 11
Henry Waldron	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		104 31
C. N. Lamison	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		95 68
John S. Bigby	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		86 04
John M. Bright	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		83 86
Thomas J. Speer	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		62 17
W. E. Lansing	Commutation of allowance for stationery and newspapers for fiscal year ended June 30, 1872		45 47
Moses A. Dow	Waverly Magazine, furnished by order of the Clerk to C. L. Cobb, 1 year		6 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Robert Bonner	Ledger, furnished by order of the Clerk during 2d session 42d Congress to C. L. Cobb		$3 00
Street & Smith	Weekly, furnished by order of the Clerk to C. L. Cobb, 1 year		3 00
H. O. Houghton & Co.	Journal of Health, furnished by order of the Clerk to J. H. Rainey, 1 year		1 00
Philp & Solomons	24 gross No. 303 pens, $30; 10 gross pens, $8	$38 00	
	¼ gross, red and blue pencils, $4.50; 3 dozen pen-racks, $9.75	14 25	
	2,000 envelopes, No. 6, at $3.60	7 20	
	2 gross bands, $1.26; 5 gross bands, $3.60; 5 gross bands, $4.05	8 91	
	5 gross bands, $4.50; 5 great gross bands, No. 11, $7.50	12 00	
	1 ream Parker's blotting-paper	25 50	
	6 dozen boxes cut quills, at $6.50	39 00	
	10 dozen red and blue pencils, at $1.50	15 00	
	2½ dozen leather-covered scissors, at $7.75	18 08	
	150 spools tape, at 43 cents	64 50	
	540 sheets parchment, at 65 cents	351 00	
	2 dozen quarts Parme writing-fluid, at $5	10 00	
	2 dozen pints Parme writing-fluid, at $2.75	7 50	
	2 dozen ½-pints Parme writing-fluid, at $2	4 00	
	1 dozen quarts mucilage, at $8.75	8 75	
	1 dozen pints mucilage	5 12	
	2 dozen quarts David's ink, at $5.50	11 00	
	2 dozen pints David's ink, at $3.25	6 50	
	2 dozen ½-pints David's ink, at $1.87½	3 75	
	3 dozen 4-ounce bottles carmine ink, at $7.50	22 50	
	13 gross bands, No. 30, at 63 cents	8 19	
	20 gross bands, No. 31, at 72 cents	14 40	
	5 gross bands, No. 33, at 90 cents	4 50	
	20 gross bands, No. 32, at 81 cents	16 20	
	24 gross pens, No. 404, at 80 cents	19 20	
	14 gross pens, No. 294, at 80 cents	11 20	
	2 dozen bankers' inkstands, at $16	32 00	
	1 dozen bankers' inkstands, No. 10	32 00	
	½ dozen bankers' inkstands, No. 20, at $27	13 50	
	200 Congress tie-envelopes, ½-inch, at $9	18 00	
	100 Congress tie-envelopes, 1 inch	9 00	
	200 Congress tie-envelopes, flat, at $5	10 00	
			860 75
S. C. Forker	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		116 12
J. H. Lewis	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		115 51
W. T. Collins	Publishing proposals for stationery in Grand Army Journal, ⅔ column, 4 times		85 00
Harper & Bro	Monthly, furnished by order of the Clerk to C. L. Cobb, 1 year		4 00
David Williams	Iron Age, furnished by order of the Clerk to J. B. Packer, 1 year		4 00
Smith Ely, jr	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		125 00
R. H. Duell	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		106 06
B. F. Meyers	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		87 70
J. Lawrence Getz	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		56 00
E. D. Lockwood	20,000 envelopes No. 10, at $5.13		102 60
J. T. Flynn	Chicago Tribune, furnished by order of the Clerk to J. B. Hawley, 1 year		14 50
B. F. French	1 extra Turkey morocco case	7 50	
	1 extra Turkey morocco portfolio	6 50	
			14 00
W. F. Storey	Times, furnished by order of the clerk to J. B. Hawley, 1 year		12 00
Charles G. Powell	Laporte Herald, furnished by order of the Clerk to Jasper Packard, 1 year		2 00
James B. Beck	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		125 00
G. C. Wadderburn	Publishing proposed for stationery, 44 squares, 4 times		88 00
B. F. French	13 extra thermometer-weights, at $2.50		32 50
Warrington & Co	50 gross Falcon pens, at 45 cents		22 50
S. H. Kaufman	Advertising proposals for stationery, 45¼ square, 4 times		181 00
W. J. Murtagh	Advertising, proposals for stationery, 174 lines, 4 times		174 00
Philp & Solomons	600 cards and printing	9 00	
	5,000 white envelopes, No. 11 xxx, at $8	40 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Philp & Solomons—Continued.	5 reams Perie's square note, at $5	$25 00	
	3,000 Perie's square envelopes, at $6	19 50	
	5 reams note, at $2 50	12 50	
	3,000 envelopes, at $4	12 00	
	1 dozen bottles Dichoric ink	15 00	
	1 pen-maker	6 00	
	100 solid memorandum, at 18 cents	18 00	
			$157 00
James O. Ladd	Advertising, proposals for stationery, 33 squares, 4 times		132 00
Fernando Wood	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		120 31
Robert P. Caldwell	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		115 32
W. Lenox Towers	15 gross Faber's pencils, No. 2, at $6.43	96 45	
	3 dozen Arnold's writing-fluid, quarts, at $5.10	15 30	
	1 dozen Arnold's writing-fluid, pints	2 77	
			114 52
James L. Kervand	Stamping paper and envelopes	75	
	4 packs cards and printing	4 00	
	Stamping 125 envelopes in colors, S	1 00	
	Stamping ½ ream note-paper in colors, S	1 00	
	Stamping envelopes	75	
	1 ream square note and stamping	4 50	
	1 ream square note and stamping	6 50	
	Lettering portemonnaie	35	
	Lettering portemonnaie	25	
	Stamping 1 package note and envelopes	1 50	
	Stamping 1 package note and envelopes	75	
	Engraving seal	75	
	1 quill-pen maker	4 50	
	1 bunch quills	75	
	Stamping paper and envelopes, S, at $1.50, ditto H, at 75 cents, ditto P, at 75 cents	3 00	
			30 35
John B. Spotswood	Newton County Democrat, furnished by order of the Clerk to Jasper Packard, 1 year		2 00
Philp & Solomons	2 reams legal cap, wide ruled, at $6	12 00	
	1½ gross pencil-leads, at $12	18 00	
	2 gold pens, at $1.50	3 00	
	3,000 large envelopes, No. 2, at $3.70	11 10	
	1 blank-book	2 50	
	½ ream bill cap, at $5.50	2 75	
	30 reams P. & P. letter, at $4.37	131 10	
	25 reams record cap, at $6.15	153 75	
	50 reams legal cap, at $6.15	307 50	
	½ dozen bankers' inkstands, at $24	12 00	
	6 dozen flat glass inkstands, at $1.75	10 50	
			664 20
William Ballantyne	3,000 McGill's fasteners	7 50	
	8 reams letter-paper, lithographed heading, at $7	56 00	
	5 reams note-paper, lithographed heading, at $5	25 00	
	23 reams note-paper, lithographed heading, at $4.50	103 50	
	21½ reams letter-paper, lithographed heading, at $6.50	139 75	
			331 75
S. S. Cox	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		102 74
George W. Morgan	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		102 23
Frederick Douglass, jr.	Advertising proposals for stationery, 20 squares, 4 times		75 00
W. Lenox Towers	2 dozen Arnold's ink, pints, at $2.77	5 54	
	2 dozen Continental ink, quarts, at $4	8 00	
	3 dozen Continental ink, ½ pints, at $1.40	4 20	
			17 74
James L. Kervand	6 dozen boxes quill-pens	52 20	
	1 dozen gold pens and rubber holders	52 75	
	½ dozen gold pens and telescope-holders, No. 7	15 50	
	½ dozen gold pens and telescope-holders, No. 8	15 50	
	½ dozen gold pens and slide holders, No. 7	14 00	
	½ dozen gold pens and slide holders, No. 8	14 00	
	½ dozen gold pens, No. 3	5 25	
	½ dozen gold pens, No. 4	5 25	
	½ dozen gold pens, No. 5	7 50	
	½ dozen gold pens, No. 6	7 50	
	½ dozen gold pens, No. 7	3 17	
	½ dozen gold pens, No. 8	3 17	
	½ dozen gold pens, No. 9	3 17	
	½ dozen gold pens, No. 10	4 84	
	½ dozen gold pens, No. 11	4 84	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
James L. Kervand—Continued.	½ dozen gold pens, No. 12	$4 84	
	2 dozen demy blank-books, at $11.04	22 08	
	2 dozen memorandum-books, No. 258, at $3.10	6 20	
	2 dozen memorandum-books, No. 264, at $3.50	7 00	
	2 dozen memorandum-books, No. 270, at $4.50	9 00	
	2 dozen memorandum-books, No. 178, at $2.30	4 60	
	2 dozen memorandum-books, No. 186, at $2.75	5 50	
	2 dozen memorandum-books, No. 272, at $5.15	10 30	
	25 dozen Faber's ink and pencil erasers, at $1.10	27 50	
	10 gross rubber pen-holders, No. 1775, at $3.18	31 80	
	10 gross rubber pen-holders, No. 5476 at $4.13	41 30	
	3 dozen sponge-cups, (bankers' medium,) at $3.10	9 30	
	3 dozen sponge-cups, (bankers' large,) at $4	12 00	
	2 brass screws, made to order, at 30 cents	60	
			$400 66
N. H. Miller	Publishing proposals for stationery in Anzeiger, 42 squares, 4 times		168 00
Henry Sherwood	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		103 55
J. A. Hopkins	12 dozen bill-files, at $6		72 00
William McClellan	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		65 52
B. F. French	19 scrap-books, No. 1	21 37	
	19 scrap-books, No. 14	26 13	
			47 50
Philp & Solomons	50 gross Levy's pens, at 99 cents	49 50	
	½ dozen glass weights, (photograph)	3 38	
	1 dozen mineral weights	16 50	
	½ dozen weights, 3 F	2 89	
	½ dozen weights, at $4.12	2 06	
	½ dozen paper-weights, No. 405, at $10	5 00	
	12 glass ink-stands, bankers', at $1.13	13 56	
	1 dozen glass inkstands, No. 20	7 15	
	1 dozen glass inkstands, No. 296	3 55	
	1 dozen glass inkstands, No. 15	7 15	
	1 dozen glass inkstands, No. 521	19 90	
	1 dozen glass inkstands, No. 275, 2¼-inch	2 65	
	2 dozen glass inkstands, No. 14, at $7.15	14 30	
	2 dozen glass inkstands, No. 372, at $19.90	39 80	
	1½ gross glass inkstands, 4-inch, flat, at 19.08	28 62	
	2 dozen pen-racks	4 40	
	2 dozen pen-racks, single stand, bronze	7 24	
	2 dozen pen-racks, double stand, bronze	7 24	
	1 dozen pen-racks, B. B	3 00	
	3 dozen ivory folders, 9-inch, at $4.10	12 30	
	3 dozen ivory folders, 10-inch, at $4.80	14 40	
	2 dozen Wostenholme knives, No. 14349, at $16.26	32 52	
	2 dozen Rodgers's knives, No. 18588, at $15.47	30 94	
	10 great gross rubber-bands, No. 11	11 50	
	6 dozen Congress tie-envelopes, No. 10	2 13	
	6 dozen Congress tie-envelopes, No. 10, ½-inch	3 55	
	6 dozen Congress tie-envelopes, No. 10, 1-inch	4 30	
	6 dozen Congress tie-envelopes, No. 10, 1½-inch	3 94	
	2 dozen ivory folders, 10-inch	25 20	
	1 11-12 dozen ivory folders, knife No. 1	16 76	
	10 reams Perie's square commercial note	34 50	
	15 reams Perie's octavo, ruled	47 70	
			477 63
Philp & Solomons	36 autograph-books, No. 1, at $1.97	70 92	
	24 autograph-books, No. 2, at $1.53	36 72	
	½ dozen Rodgers's knives, No. 18603, at $39.67	19 84	
	½ dozen Rodgers's knives, No. 18602, at $38.30	19 84	
	5 dozen scissors, (leather,) 5 inches, at $7.67	38 20	
	5 dozen scissors, (leather,) 6 inches, at $8.75	43 75	
	4 dozen scissors, (leather,) 4 inches, at $6.60	26 40	
	2 dozen scissors, (leather,) at $5.45	10 90	
	2 dozen shears, 10 inches, at $10.80	21 60	
	2 dozen shears, 9 inches, at $8.20	16 40	
	25 reams P. & P. note, at $2.37½	59 38	
	20 reams P. & P. letter, at $4.38	87 40	
	1 bankers' pen-rack	75	
	1 1-12 dozen portemonnaies, at $41.25	44 69	
	1 1-12 dozen portemonnaies, at $33	35 75	
	1 1-12 dozen portemonnaies, at $36	39 00	
	1 1-12 dozen portemonnaies, at $27.50	29 79	
	2 1-12 dozen portemonnaies, at $25.50	53 12	
	2 1-12 dozen portemonnaies, at $25	52 08	
	2 1-12 dozen portemonnaies, at $22.50	46 88	
	5 dozen papeteries, at $17.95	89 75	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Philp & Solomons—Continued.	75,000 white envelopes, xx, No. 5, at $2.65	$198 75	
	5,000 white envelopes, xx, No. 12, at $7 60	38 00	
	76,000 white envelopes, xx, No. 6, at $3.09	234 84	
	12 reams grand quad note, 10 K., No. 5, at $2.30	27 60	
	8 reams grand quad note, 10 K., No. 6, at $2.07	16 56	
	5 reams rose-tint square commercial, at $4.14	20 70	
	6,000 Perie's square envelopes, No. 2, at $4.80	28 80	
	8,000 grand quad. envelopes, No. 2, at $2.76	22 08	
	4,000 Perie's square envelopes, No. 3, at $6.32	25 28	
	2,000 rose-tint envelopes, at $4.14	8 28	
	1 dozen pen-racks, B. B	3 00	
			$1,459 96
William Williams, Indiana.	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		82 94
Edward Crossland	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		69 85
B. F. French	3 1-12 dozen Rodgers's erasers, at $8		24 67
Philp & Solomons	28,000 envelopes, xx, No. 6, at $3.09	86 52	
	1 1-12 dozen portemonnaies, K, 126, at $33.75	36 56	
	10 reams blue engrossing paper; 7 reams ruled, 3 reams plain, 50 pounds to the ream	199 50	
			322 58
W. T. Clarke	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		107 70
R. H. Whiteley	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		100 23
James Monroe	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		91 56
George M. Brooks	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		90 48
J. Lawrence Getz	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		31 46
Pratt Brothers	American Workman, furnished by order of the Clerk to J. M. Coughlan, 1 year		2 00
Boyd Winchester	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		119 68
Thomas Boles	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		106 36
Samuel A. Merritt	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		101 89
J. F. Mc Kinney	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		93 28
Samuel Hambleton	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		68 46
James Buffinton	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		67 76
George W. McCrary	Commutation of allowance for stationery and newspapers, for the fiscal year ended June 30, 1872		49 45
B. F. French	3 dozen extra English erasers, at $8		24 00
W. P. Garrison	For the Nation, furnished by order of the Clerk, to P. M. Dox, 1 year		5 00
David Williams	Iron Age, furnished by order of the Clerk, to S. S. Burdett, 6 months		2 00
George D. Teller	1 American Shipping Guide and Travelers' Directory		7 00
Richard B. Mohun & Co.	2 British Almanacs and Companion, 1872	4 00	
	1 Almanac de Gotha	3 00	
			7 00
William Ballantyne	2 dozen Continental ink, 2-ounce, at 85 cents	1 70	
	25 gross Gillott's (No. 404) pens, at 47 cents	11 75	
	25 gross Gillott's (No. 303) pens, at 91 cents	22 75	
	10 dozen A. W. Faber's carmine and blue lead pencils, at 92 cents	9 20	
	3 dozen Continental ink, pints, at $2.53	7 59	
	20 gross Perry's pens, No. 151, at $1.56	31 20	
	500 sheets parchment, 16 by 22	165 00	
	10 dozen boxes visiting-cards	22 50	
	3 dozen blank-books, cap-record	22 50	
	25 gross Gillott's pens, No. 294	11 75	
	10 gross swan-quill pens	57 00	
	3 dozen David's ink, ½-pints	4 26	
	10 gross rubber-bands, striped, ⅛-inch	23 30	
	15 gross rubber-bands, No. 00, ¼-inch	45 00	
	15 gross rubber-bands, No. 000, ½-inch	52 50	
	10 gross rubber-bands, No. 31	5 40	
	10 gross rubber-bands, No. 32	6 00	
	10 gross rubber-bands, No. 33	6 70	
	15 gross rubber-bands, No. 00, ¼-inch	12 45	
	10 gross rubber-bands, No. 000, ¼-inch	10 00	
	5 gross rubber-bands, light, ¾-inch	7 45	
	5 dozen gold-mounted pencils, No. 2, at $1.92	115 20	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
William Ballantyne—Continued.	3 dozen Arnold's fluid, ½ pints	$4 80	
	30 pounds sealing-wax	26 40	
	2 dozen Morgan's mucilage, 5-ounce, at $3.50	7 00	
	20 dozen Morgan's mucilage, 5-ounce, at $2.71	54 20	
			$743 60
Benjamin F. French	4 dozen Rodgers's extra Congress knives, at $35.70	142 80	
	4 dozen Rodgers's extra Congress knives, at $22.57½	90 30	
			233 10
Richard B. Mohun & Co.	1 ream blotting-board	22 50	
	3 dozen David's black ink, quarts, at $3.80	11 40	
	3 dozen David's black ink, pints, at $2.50	7 50	
	25 gross Warrington's medallion-pens, at 97 cents	24 25	
	250 spools pink tape, No. 19, at $3.75 per dozen	78 13	
			143 78
Benjamin F. French	1 dozen extra Congress knives, No. 12633	.....	35 70
J. L. Dorwart	For Daily Chronicle, furnished by order of the Clerk, as follows:		
	J. H. Rainey, 15 months	12 00	
	C. W. Willard, 2 months	1 30	
	R. K. Elliott, 12 months	8 00	
	J. T. Walls, 12 months	8 00	
	J. C. McGrew, 13 months and 11 days	8 83	
	O. J. Dickey, 12 months	8 00	
	Jasper Packard, 6 months and 1 day	4 02	
	W. H. Upson, 6 months and 1 day	4 02	
	C. W. Willard, 5 months and 25 days	3 87	
	W. C. Smith, 5 months and 25 days	3 87	
	G. F. Hoar, 5 months and 25 days	3 87	
	G. W. McCrary, 5 months and 24 days	3 85	
	F. W. Palmer, 5 months and 24 days	3 85	
	C. B. Farwell, 5 months and 23 days	3 82	
	W. H. Clagett, 5 months and 22 days	3 80	
	H. W. Parker, 5 months and 2 days	3 30	
	E. H. Prindle, 4 months and 17 days	3 02	
	J. A. Garfield, 4 months and 16 days	3 00	
	C. W. Kendall, 4 months and 9 days	2 82	
	A. A. Sargent, 4 months and 2 days	2 62	
	J. M. Hanks, 3 months and 22 days	2 55	
	For rooms 55, 56, 57, 58, 59, clerks' offices, each, 1 year	40 00	
			138 41
Eli Perry	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	110 57
T. W. McNeely	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	109 17
William A. Wheeler	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	106 59
Philetus Sawyer	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	97 69
James N. Tyner	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	85 39
N. D. Bangs	New York Times, furnished by order of the Clerk, as follows:		
	C. W. Willard, daily, Dec 6 1871, to June 3, 1872	5 90	
	W. C. Smith, daily, Dec. 6, 1871, to June 3, 1872	5 90	
	James Buffinton, daily, Dec. 6, 1871, to June 3, 1872	5 90	
	W. E Arthur, daily, Dec. 6, 1871, to June 3, 1872	5 90	
	H. W. Slocum, daily, Dec. 6, 1871, to June 3, 1872	5 90	
	W. E. Niblack, daily, Dec. 9, 1871, to Dec. 9, 1872	12 00	
	M. C. Kerr, daily, Feb. 15, 1871, to Feb. 15, 1872	12 00	
	J. Hancock, daily, Feb. 13, 1871, to June 3, 1872	3 65	
	Clerk's office, daily, Mar. 11, 1871, to Mar. 11, 1873	12 00	
	E. A. Hibbard, weekly, Mar. 20, 1871, to Mar. 20, 1873	2 00	
	J. A. Garfield, semi-weekly, Dec. 8, 1871, to June 3, 1872	2 00	
			73 15
George F. Hoar	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	68 76
Henry Snapp	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	67 49
Hosea W. Parker	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	57 84
W. C. Whitthorne	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	53 45
E. L. Acker	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	52 37
W. H. Hooper	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872	.....	48 13
W. J. Murtagh	National Republican, furnished by order of the Clerk to J. Packard, 4 months	.....	2 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
G. A. Hamersly	Public Opinion, furnished by order of the Clerk to J. A. Garfield, from December 6, 1871, to June 3, 1872		$1 50
William Williams, N. Y.	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		119 19
C. R. Thomas	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 63
L. A. Sheldon	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		75 33
George W. Hazelton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		68 44
John Hancock	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		58 30
W. C. Bryant & Co	Evening Post, furnished by order of the Clerk, as follows:		
	C. W. Willard, from Dec. 6, 1871, to June 3, 1872	$6 00	
	H. W. Slocum, from Dec. 7, 1871, to June 3, 1872	6 00	
	F. W. Palmer, from Dec. 7, 1871, to June 3, 1872	6 00	
	J. A. Garfield, from Dec. 9, 1871, to June 3, 1872	5 75	
	J. F. Farnsworth, from Dec. 12, 1871, to June 3, 1872	5 65	
	J. H. Platt, from Dec. 13, 1871, to June 3, 1872	5 60	
	G. A. Finkelnburg, from Dec. 14, 1871, to June 3, 1872	5 60	
	Freeman Clarke, from Dec. 16, 1871, to June 3, 1872	5 50	
	H. C. Burchard, from January 30 to June 3, 1872	4 20	
			50 30
Faran & McLean	Daily Enquirer, furnished by order of the Clerk, as follows:		
	W. C. Whitthorne, 5 months	5 00	
	J. J. Davis, 4 months	4 00	
	Clerk's office, 1 year	12 00	
			21 00
J. G. L. Brown	Press, furnished by order of the Clerk, as follows:		
	J. B. Packer, 6 months	4 00	
	J. W. Killinger, 6 months	4 00	
	W. D. Kelley, 5 months	3 33	
	J. H. Sypher, 1 year	8 00	
	S. J. Randall, 2½ months	1 67	
			21 00
Samuel Bowles	Springfield Republican, furnished by order of the Clerk, as follows:		
	G. F. Hoar, 2d session 42d Congress	4 00	
	H. L. Dawes, 2d session 42d Congress	4 00	
			8 00
M. Halstead	Cincinnati Commercial, furnished by order of the Clerk to J. A. Garfield, during 2d session 42d Congress		7 00
Henry E. Bowen	Brooklyn Eagle, furnished by order of the Clerk to H. W. Slocum during 2d session 42d Congress		4 50
H. F. Armstrong	Bureau, furnished by order of the Clerk to S. S. Burdett, 1 year		4 00
George Bergner	Telegraph, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		3 00
J. W. Jones	State Journal, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		3 00
A. A. & John Youngman.	Gazette, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		2 00
Emanuel Wilvert	American, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 50
Franklin Weirick	Times, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
Morton Morvine	Miltonian, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
J. E. Eichholtz	Democrat, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
J. J. Auten & Co	Record, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
J. R. Cornelius	Chronicle, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
S. M. Fenn & Co	Register, furnished by order of the Clerk to J. B. Packer, during 2d session 42d Congress		1 00
Van Erne, Chase & Hodgkins.	Day Book, furnished by order of the Clerk to J. J. Davis, during 2d session 42d Congress		50
J. C. Parker	1 ream Treasury blotting-paper	22 50	
	5,000 white envelopes, No. 11, at $5.11	25 55	
	1 gold pen	4 75	
	1 ruling-pen	1 25	
			54 05
Oakes Ames	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		120 38
Austin Blair	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		117 52

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
H. W. Barry	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		$111 98
Charles H. Porter	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		110 19
William P. Sprague	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 33
R. T. Biggs	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		108 69
S. Garfielde	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		108 53
Jacob A. Ambler	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		102 45
John Beatty	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 95
H. C. Burchard	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 22
R. R. Butler	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		95 78
J. Allen Barber	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		94 68
John T. Bird	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 90
E. M. Braxton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 30
N. P. Banks	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		92 47
W. H. Upson	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		91 33
W. H. Barnum	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		90 31
J. W. Killinger	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		73 09
James G. Blair	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		65 50
Benjamin F. Butler	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		62 75
Frank Hereford	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		51 89
Thomas Swann	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		46 56
S. S. Burdett	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		32 00
Clinton L. Merriam	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		13 01
Moses K. Armstrong	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		8 37
George Knapp & Co.	Republican, furnished by order of the Clerk to J. M. Gallegas during 2d session 42d Congress		24 00
R. F. Myers & Co	Patriot, furnished by order of the Clerk to J. W. Killinger from March 4 to May 30, 1871, and from December 4 to June 4, 1872		5 25
George Bergner	Telegraph, furnished by order of the Clerk to J. W. Killinger during 1st session 42d Congress		3 00
D. C. Giddings	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		119 09
Alvah Crocker	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		115 09
John B. Hay	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		111 76
Erasmus D. Peck	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		102 27
R. B. Roosevelt	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 84
Legrand W. Perce	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 75
R. T. Eames	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 06
Wilder D. Foster	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		107 23
J. M. Carroll	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		100 45
G. A. Finkelnburg	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 86
John Coburn	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 99
J. L. Beveridge	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 05
Samuel N. Bell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		96 58

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
Milo Goodrich	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		$95 87
William P. Frye	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		95 25
J. F. Farnsworth	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		94 03
O. J. Dickey	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 43
Freeman Clarke	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		92 89
C. B. Darrall	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		87 66
H. D. Foster	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		87 38
J. Critcher	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		87 13
J. B. Chaffee	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		86 39
Henry L. Dawes	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		85 59
S. Griffith	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		84 52
C. A. Eldredge	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		79 74
Charles Foster	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		79 35
R. T. W. Duke	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		75 18
I. C. Parker	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		74 58
W. G. Donnan	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		74 18
J. A. Garfield	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		73 79
L. D. Campbell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		71 26
Alex. Mitchell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		70 81
F. W. Palmer	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		66 35
A. R. Cotton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		61 81
A. Comingo	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		53 35
O. D. Conger	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		52 98
J. M. Coughlan	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		51 90
M. H. Dunnell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		50 79
J. T. Averill	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		46 55
E. I. Golladay	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		46 20
N. P. Chipman	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		39 72
R. B. Elliott	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		35 18
Jasper Packard	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		29 84
Chas. B. Farwell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		25 76
J. J. Davis	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		15 16
D. C. Ferney	Sunday Chronicle, furnished by order of the Clerk, as follows:		
	A. A. Sargent, February 1 to June 3, 1872	85	
	J. M. Hanks, February 9 to June 3, 1872	80	
	J. Packard, December 5 to June 3, 1872	1 20	
	G. F. Hoar, December 4 to June 3, 1872	1 20	
			4 05
J. M. Pendleton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		110 81
P. Van Trump	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 52
J. H. Slater	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 74
H. H. Starkweather	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		122 30
S. O. Houghton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		117 01

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
J. R. McCormick	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		$113 43
John Lynch	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		113 09
J. L. Strong	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		112 30
Samuel Hooper	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		112 03
Frank Morey	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		104 66
E. H. Prindle	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		101 69
C. N. Potter	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		101 04
J. H. Moore	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		100 95
R. J. Haldeman	Commutation of allowance for stationery and newspers for the fiscal year ending June 30, 1872		109 34
J. H. Tuthill	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 46
A. A. Sargant	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 24
W. H. Lamport	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 14
Erastus Wells	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 75
John Taffe	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 35
William B. Reed	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		90 39
J. C. McGrew	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		91 10
A. E. Garrett	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		89 22
J. M. Wilson	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		80 57
J. H. Ketchum	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		79 62
M. M. Walden	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		79 04
L. D. Shoemaker	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		72 82
J. A. Smith	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		64 46
R. C. DeLarge	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		62 84
W. H. H. Stowell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		58 37
B. S. Turner	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		73 65
W. L. Sessions	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		55 91
J. B. Packer	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		54 15
J. P. C. Shanks	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		49 50
W. E. Niblack	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		46 01
Josiah T. Walls	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		43 92
J. H. Rainey	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		43 84
J. B. Hawley	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		39 87
M. C. Kerr	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		38 76
E. McJunkin	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		37 16
D. M. Du Bose	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		32 01
R. C. McCormick	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		25 29
W. Townsend	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		2 99
W. D. Kelley	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		113 57
J. L. Kervand	5 boxes Owl pens, at 40 cents	$2 00	
	10 reams flat cap, at $4.12	41 20	
	Stamping paper and envelopes	2 00	
	1 dozen mucilage, (quarts)	7 48	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
J. L. Kervand—Cont'd	1 dozen mucilage, (pints)	$4 20	
	2,500 paper-fasteners, at $3.55	8 87	
	2,500 paper fasteners, at $4.20	10 50	
	7 boxes Owl pens, at 40 cents	2 80	
	Engraving 1 knife	75	
			$79 80
Geo. E. Harris	Commutation of allowance for newspapers and stationery for the fiscal year ending June 30, 1872		16 51
Leonard Myers	Commutation of allowance for newspapers and stationery for the fiscal year ending June 30, 1872		16 58
Job E. Stevenson	Commutation of allowance for newspapers and stationery for the fiscal year ending June 30, 1872		24 86
J. H. Platt	Commutation of allowance for newspapers and stationery for the fiscal year ending June 30, 1872		32 75
E. A. Hibbard	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		46 95
C. W. Willard	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		49 81
H. D. McHenry	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		51 51
J. S. Negley	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		53 44
W. T. Jones	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		56 76
Jackson Orr	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		70 61
W. S. Herndon	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		72 04
W. C. Smith	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		72 16
John T. Harris	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		74 02
Andrew King	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		74 19
A. C. Harmer	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		76 27
J. C. Harper	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		76 42
D. P. Lowe	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		76 60
J. C. Conner	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		76 98
H. B. Smith	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		80 70
Charles Hays	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		81 92
J. L. Morphis	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		84 60
George C. McKee	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		84 75
William H. Clagett	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		87 12
P. M. B. Young	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		88 48
A. S. Wallace	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		89 12
Ulysses Mercur	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		92 60
Horace Maynard	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		92 98
B. N. Stevens	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		93 27
J. H. Sypher	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		94 83
Eugene Hale	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		95 23
John A. Peters	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		96 08
William Terry	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		97 06
George A. Halsey	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		98 09
A. F. Perry	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		99 36
Ginery Twichell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		103 94
O. P. Snyder	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		104 71
J. W. Hazelton	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		104 92

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
M. D. Manson	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		$106 63
Ellis H. Roberts	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		107 47
J. T. Wilson	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		107 59
L. P. Poland	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 80
G. W. Scofield	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		110 45
H. W. Slocum	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		111 10
John Hill	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		111 47
J. M. Warren	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		111 90
S. W. Kellogg	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		116 86
C. St. John	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		118 72
Seth Wakeman	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		114 21
E. Y. Rice	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		95 73
J. H. Sloss	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		30 07
W. M. Merrick	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 88
S. S. Marshall	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		109 05
C. L. Wilson	Evening Journal, furnished by order of the Clerk, as follows:		
	J. Packard, 6 months	$6 00	
	J. F. Farnsworth, 5¾ months	5 75	
			11 75
D. K. Abeel	Journal of Commerce, furnished by order of the Clerk, as follows:		
	S. S. Burdett, 1 year		10 00
	Total		
	PACKING-BOXES.		
John R. Hunt	120 packing-boxes, at $3.33⅓	400 00	
	150 packing-boxes, at $3.33⅓	500 00	
	226 packing-boxes, at $3.33⅓	753 33	
	150 packing-boxes, at $3.33⅓	500 00	
	134 packing-boxes, at $3.33⅓	446 67	
			2,600 00
	Total		
	PAGES AND TEMPORARY MAIL-BOYS.		
William R. Slater *et al.*	Pages' pay-roll, December, 1871:		
	William R. Slater	70 00	
	Charles W. Wells	70 00	
	Arthur B. Claxton	70 00	
	Thomas F. Taylor	70 00	
	Egbert L. Weaver	70 00	
	Edward E. Barnes	70 00	
	Charles M. Turner	70 00	
	David M. De Vitt	70 00	
	Albert H. Post	70 00	
	Allan R. Searle	70 00	
	Alfred Powell	70 00	
	Ernest G. Briggs	70 00	
	Philip H. Seymour	70 00	
	James Harvey	70 00	
	Robert H. Stewart	70 00	
	Rowland G. Hill	70 00	
	Charles S. Sloan	70 00	
	Philip Richardson	70 00	
	James S. Chapman	70 00	
	Dorsey M. McPherson	70 00	
	John F. Hamilton	70 00	
	S. Edward Donoughue	70 00	
	Loverett N. Hooper	70 00	
			1,610 00

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom pain.	For what object.	Amount.	Total.
	PAGES AND TEMPORARY MAIL-BOYS—Continued.		
Henry D. Barnitz	Page in Clerk's office during December, 1871, at $2.50 per day		$77 50
William R. Slater *et al.*	Pages' pay-roll, January, 1872:		
	William R. Slater	$77 50	
	Charles W. Wells	77 50	
	S. Edward Donoughue	77 50	
	Thomas F. Taylor	77 50	
	Loverett N. Hooper	77 50	
	Egbert L. Weaver	77 50	
	Edward E. Barnes	77 50	
	Charles M. Turner	77 50	
	David M. De Vitt	77 50	
	Albert H. Post	77 50	
	Allan R. Searle	77 50	
	Alfred Powell	77 50	
	Ernest G. Briggs	77 50	
	Philip H. Seymour	77 50	
	James Harvey	77 50	
	Robert H. Stewart	77 50	
	Rowland G. Hill	77 50	
	Charles S. Sloan	77 50	
	Philip Richardson	77 50	
	Leonard E. Chapman	77 50	
	Dorsey M. McPherson	77 50	
	John F. Hamilton	77 50	
	Clinton C. Palmer	77 50	
			1,782 50
Henry D. Barnitz	Page in Clerk's office, House of Representatives, during January, 1872, at $2.50 per day		77 50
William R. Slater *et al.*	Pages' pay-roll, February, 1872:		
	William R. Slater	72 50	
	Charles W. Wells	72 50	
	Thomas J. Walker	72 50	
	Thomas F. Taylor	72 50	
	Loverett N. Hooper	72 50	
	Egbert L. Weaver	72 50	
	Edward E. Barnes	72 50	
	Charles M. Turner	72 50	
	David M. De Vitt	72 50	
	Albert H. Post	72 50	
	Allan R. Searle	72 50	
	Alfred Powell	72 50	
	Ernest G. Briggs	72 50	
	Philip H. Seymour	72 50	
	James Harvey	72 50	
	Robert H. Stewart	72 50	
	Rowland G. Hill	72 50	
	Charles S. Sloan	72 50	
	Philip Richardson	72 50	
	Leonard E. Chapman	72 50	
	Dorsey M McPherson	72 50	
	John F. Hamilton	72 50	
	Clinton C. Palmer	72 50	
			1,667 50
Henry D. Barnitz	Page in Clerk's office during February, 1872, at $2.50 per day		72 50
William R. Slater *et al.*	Pages' pay-roll, March, 1872:		
	William R. Slater	77 50	
	Charles W. Wells	77 50	
	Thomas J. Walker	77 50	
	Thomas F. Taylor	77 50	
	Loverett N. Hooper	77 50	
	Egbert L. Weaver	77 50	
	Edward E. Barnes	77 50	
	Charles M. Turner	77 50	
	David M. De Vitt	77 50	
	Albert H. Post	77 50	
	Allan R. Searle	77 50	
	Alfred Powell	77 50	
	Ernest G. Briggs	77 50	
	Philip H. Seymour	77 50	
	James Harvey	77 50	
	Robert H. Stewart	77 50	
	Rowland G. Hill	77 50	
	Philip Richardson	77 50	
	Charles S. Sloan	77 50	
	Leonard E. Chapman	77 50	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	PAGES AND TEMPORARY MAIL-BOYS—Continued.		
	Pages' pay-roll, March, 1872:		
William R. Slater *et al.* —Continued.	Dorsey M. McPherson	$77 50	
	John F. Hamilton	77 50	
	Clinton C. Palmer	77 50	
			$1,782 50
Henry D. Barnitz	Page in Clerk's office during March, 1872, at $2.50 per day		77 50
William R. Slater *et al.*	Pages' pay-roll, April, 1872:		
	William R. Slater	75 00	
	Charles W. Wells	75 00	
	Thomas J. Walker	75 00	
	Thomas F. Taylor	75 00	
	Loverett N. Hooper	75 00	
	Egbert L. Weaver	75 00	
	Edward E. Barnes	75 00	
	Charles M. Turner	75 00	
	David M. De Vitt	75 00	
	Albert H. Post	75 00	
	Allan R. Searle	75 00	
	Alfred D. Powell	75 00	
	Ernest G. Briggs	75 00	
	Philip H. Seymour	75 00	
	James Harvey	75 00	
	Robert H. Stewart	75 00	
	Rowland G. Hill	75 00	
	Philip Richardson	75 00	
	Charles S. Sloan	75 00	
	Leonard E. Chapman	75 00	
	Dorsey M. McPherson	75 00	
	John F. Hamilton	75 00	
	Clinton C. Palmer	75 00	
			1,725 00
Henry D. Barnitz	Page in Clerk's office during April, 1872, at $2.50 per day		75 00
William R. Slater *et al.*	Pages' pay-roll, May, 1872:		
	William R. Slater	77 50	
	Charles W. Wells	77 50	
	Thomas J. Walker	77 50	
	Thomas F. Taylor	77 50	
	Loverett N. Hooper	77 50	
	Egbert L. Weaver	77 50	
	Edward E. Barnes	77 50	
	Charles M. Turner	77 50	
	David M. DeVitt	77 50	
	Albert H. Post	77 50	
	Allan R. Searle	77 50	
	Alfred Q. Powell	77 50	
	Ernest G. Briggs	77 00	
	Philip H. Seymour	77 50	
	James Harvey	77 50	
	Robert H. Stewart	77 50	
	Rowland G. Hill	77 50	
	Philip Richardson	77 50	
	Charles S. Sloan	77 50	
	Leonard E. Chapman	77 50	
	William Bond	77 50	
	John F. Hamilton	77 50	
	Clinton C. Palmer	77 50	
			1,782 50
Henry D. Barnitz	Page in Clerk's office during May, 1872, at $2.50 per day		77 50
William R. Slater *et al.*	Pages' pay-roll, June, 1872:		
	William R. Slater	75 00	
	Charles W. Wells	75 00	
	Thomas J. Walker	75 00	
	Thomas F. Taylor	75 00	
	Loverett N. Hooper	75 00	
	Egbert L. Weaver	75 00	
	Edward E. Barnes	75 00	
	Charles M. Turner	75 00	
	David M. DeVitt	75 00	
	Albert H. Post	75 00	
	Allan R. Searle	75 00	
	Alfred Q. Powell	75 00	
	Ernest G. Briggs	75 00	
	Philip H. Seymour	75 00	
	James Harvey	75 00	
	Robert H. Stewart	75 00	
	Rowland G. Hill	75 00	
	Philip H. Richardson	75 00	
	Charles S. Sloan	75 00	

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	PAGES AND TEMPORARY MAIL-BOYS—Continued.		
William R. Slater *et al.*—Continued.	Pages' pay-roll, June, 1872:		
	Leonard E. Chapman	$75 00	
	Dorsey M. McPherson	75 00	
	John F. Hamilton	75 00	
	Clinton C. Palmer	75 00	
			$1,725 00
Henry D. Barnitz	Page in Clerk's office during June, 1872, at $2.50 per day		75 00
	STATIONERY FOR COMMITTEES AND OFFICERS OF THE HOUSE OF REPRESENTATIVES.		
John Ritchie	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		72 08
J. M. Rusk	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		70 83
R. Milton Speer	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		57 19
H. E. Havens	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		115 62
J. C. Robinson	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		107 56
Samuel J. Randall	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		102 43
José M. Gallegos	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		52 33
Samuel Sinclair	Tribune, furnished by order of the Clerk, as follows:		
	G. M. Brooks, Nos. 9382 to 9564	5 89	
	W. H. Upson, Nos. 9568 to 9724	5 03	
	C. W. Willard, Nos. 9569 to 9724	5 00	
	W. C. Smith, Nos. 9569 to 9724	5 00	
	G. F. Hoar, Nos. 9569 to 9724	5 00	
	James Buffinton, Nos. 9569 to 9724	5 00	
	G. W. McCrary, Nos. 9570 to 9724	4 96	
	J. B. Packer, Nos. 9570 to 9724	4 96	
	F. W. Palmer, Nos. 9570 to 9724	4 96	
	C. B. Farwell, Nos. 9570 to 9724	4 96	
	H. W. Slocum, Nos. 9570 to 9724	4 96	
	S. J. Randall, Nos. 9571 to 9724	4 93	
	J. W. Killinger, Nos. 9571 to 9724	4 93	
	W. H. Clagett, Nos. 9572 to 9724	4 90	
	J. A. Garfield, Nos. 9572 to 9724	4 90	
	E. H. Prindle, Nos. 9572 to 9724	4 90	
	J. H. Rainey, Nos. 9572 to 9883	10 00	
	W. E. Niblack, (semi-weekly,) Nos. 2770 to 2873	4 00	
	J. F. Farnsworth, Nos. 9574 to 9724	4 84	
	J. M. Coghlan, Nos. 9575 to 9724	4 81	
	F. Clark, Nos. 9578 to 9724	4 70	
	W. L. Sessions, Nos. 9582 to 9724	4 57	
	W. D. Kelley, Nos. 9599 to 9724	4 03	
	W. C. Whitthorne, Nos. 9601 to 9724	3 97	
	G. W. Scofield, Nos. 9601 to 9724	3 97	
	J. A. Peters, Nos. 9601 to 9724	3 97	
	J. H. Ketcham, Nos. 9602 to 9913	10 00	
	C. B. Darrall, Nos. 9605 to 9724	3 84	
	J. Hill, Nos. 9607 to 9918	10 00	
	A. A. Sargent, Nos. 9609 to 9724	3 73	
	Frank Morey, Nos. 9611 to 9724	3 67	
	John Hancock, Nos. 9628 to 9724	3 07	
	J. M. Hanks, Nos. 9681 to 9991	10 00	
	W. E. Arthur, Nos. 9710 to 9825	5 00	
			178 45
G. W. Fishback	Democrat, furnished by order of the Clerk, as follows:		
	S. S. Burdett, May, 1872, to May, 1873	12 00	
	J. M. Coghlan, December, 1871, to June, 1872	5 00	
	C. L. Cobb, March, 1872, to April, 1872	1 00	
	Clerk's office, December, 1871 to December, 1872	12 00	
			30 00
F. J. Bartlett	Patriot, furnished by order of the Clerk, as follows:		
	R. R. Butler, 1 year	6 00	
	Clerk's office, 1 year	6 00	
	H. W. Slocum, 6 months	3 00	
	A. E. Garrett, 6 months	3 00	
	C. W. Kendall	2 15	
	J. G. Sutherland	2 17	
	J. J. Davis	1 00	
	Milo Goodrich	2 25	
			25 57

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
W. J. Haldeman	Louisville Courier-Journal, furnished by order of the Clerk, as follows:		
	W. E. Arthur, 18 months	$18 00	
	Clerk's office, 1 year	12 00	
			$30 00
W. F. Storey	Chicago Times, furnished by order of the Clerk, as follows:		
	Clerk's office, 1 year	12 00	
	C. B. Farwell, 1 year	12 00	
			24 00
A. Cowles	Chicago Tribune, furnished by order of the Clerk, as follows:		
	G. W. McCrary, during 2d session 42d Congress	5 80	
	C. B. Farwell, during 2d session 42d Congress	5 80	
	Clerk's office	12 00	
			23 60
J. V. Creeley	Commutation of allowance for stationery and newspapers for the fiscal year ended June 30, 1872		19 70
C. C. Fulton & Co	Baltimore American, furnished by order of the Clerk, as follows:		
	J. M. Coghlan, during 2d session 42d Congress		9 00
H. C. Bowen	Independent, furnished by order of Clerk, as follows:		
	G. F. Hoar, 6 months	1 75	
	G. W. McCrary, 6 months	1 75	
	Clerk's office, 1 year	3 00	
			6 50
Clarkson & Co	Register, furnished by order of the Clerk to G. W. McCrary during 2d session 42d Congress		5 00
O. M. Fowler	Herald, furnished by order of the Clerk to J. B. Packer during 2d session 42d Congress		2 00
Chickering & Axtell	Eagle, furnished by order of the Clerk to H. L. Dawes during 2d session 42d Congress		1 00
W. H. Beaver	Volksfreund, furnished by order of the Clerk to J. B. Packer during 2d session 42d Congress		1 00
F. O. Whitman	Journal, furnished by order of the Clerk to J. B. Packer during 2d session 42d Congress		1 00
J. A. Lumbard & Co	Tribune, furnished by order of the Clerk to J. B. Packer during 2d session 42d Congress		1 00
F. & J. Rives & George A. Bailey.	99 volumes Congressional Globe and Appendix, from 23d Congress to 1st session 42d Congress, under resolution of the House, May 2, 1872, at $5		495 00
J. G. Bennett	New York Herald, furnished by order of the Clerk, as follows:		
	J. Buffinton, from Dec. 5, 1871, to June 3, 1872	6 00	
	W. C. Smith, from Dec. 5, 1871, to June 3, 1872	6 00	
	C. B. Farwell, from Dec. 6, 1871, to June 3, 1872	6 00	
	Clerk's office, from Dec. 7, 1871, 1 year	12 00	
	H. W. Parker, from January 1 to June 3, 1872	5 00	
	W. C. Whitthorne, from January 11 to June 3, 1872	4 75	
	J. A. Peters, from January 11 to June 3, 1872	4 75	
	C. B. Darrall, from January 16 to June 3, 1872	4 50	
	Frank Morey, from January 23 to June 3, 1872	4 35	
	José Gallegos, 1 year	12 00	
	C. W. Kendall, from February 21 to June 3, 1872	3 50	
	C. L. Cobb, from March 7 to June 3, 1872	3 00	
	C. W. Willard, from March 26 to June 3, 1872	2 25	
			74 10
George Jones	New York Times, furnished by order of the Clerk, as follows:		
	J. Packard, from Dec. 4, 1871, to June 3, 1872	6 00	
	C. W. Willard, from Dec. 5, 1871, to June 3, 1872	6 00	
	G. Twichell, from Dec. 5, 1871, to June 3, 1872	6 00	
	J. H. Moore, from Dec. 8, 1871, to June 3, 1872	5 88	
	S. Shellabarger, from January 3 to April 2, 1872	3 00	
	F. Clark, from Dec. 16, 1871, to June 3, 1872	5 64	
	W. L. Sessions, from Dec. 21, 1871, to June 3, 1872	5 56	
	G. W. Scofield, from January 11 to June 3, 1872	4 79	
	C. B. Darrall, from January 16 to June 3, 1872	4 64	
	Frank Morey, from January 24 to June 3, 1872	4 40	
	G. M. Brooks, from February 22 to June 3, 1872	3 40	
	C. L. Cobb, from March 7 to June 3, 1872	2 88	
	W. L. Sessions, from March 25 to June 3, 1872	2 25	
	R. R. Butler, semi-weekly, 6 months	2 50	
			62 94
Philp & Solomons	1 brush	80	
	1 card-case	3 00	
	75 solid memorandum-tablets, at 7 cents	5 25	
	1,000 rose-tint envelopes	5 52	
	1 1-12 dozen wallets, K, No. 137, at $33.75	36 56	
			51 13

A.—*Disbursements from the contingent fund of the House, &c.*—Continued.

To whom paid.	For what object.	Amount.	Total.
	NEWSPAPERS AND STATIONERY—Continued.		
William Ballantyne	5 gross Perry's 3-pointed pens, at $1.56	$7 80	
	1 dozen French copying-ink, B, (quarts)	4 75	
	1 dozen French copying-ink, B, (pints)	3 00	
			$15 55
Beals, Greene & Co	Boston Post, furnished by order of the Clerk, as follows:		
	J. Hancock, from February 12 to June 3, 1872	3 10	
	Clerk's office	10 00	
			13 10
D. W. Voorhees	Commutation of allowance for stationery and news papers for the fiscal year ending June 30, 1872		8 32
F. J. Bartlett	Patriot, furnished by order of the Clerk to J. Critcher, 1 year		6 00
F. & J. Rives & George A. Bailey.	Daily Globe, furnished by order of the Clerk, as follows, during 2d session 42d Congress:		
	2 copies each to room 55 and House library; 1 copy each to rooms 56, 57, 58, and 59, Committees on the Judiciary, Ways and Means, Appropriations, Military Affairs, and Claims, Isaac Strohm, and Hall library; in all, 15 copies, at $10	150 00	
	Congressional Globe and Appendix, 2d session 42d Congress:		
	1 copy each to Committee on Appropriations and hall library, at $10	20 00	
			170 00
J. W. & D. C. Forney	Advertising proposals for stationery in Sunday Chronicle, 190 lines, 4 times		121 60
Thomas Kinsella	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		113 74
John Rogers	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		106 56
W. R. Roberts	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		95 41
F. E. Shober	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		94 75
A. T. McIntyre	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		91 47
P. M. Dox	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		88 00
A. M. Waddell	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		87 04
John E. Seeley	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		89 27
Dwight Townsend	Commutation of allowance for stationery and newspapers for the fiscal year ending June 30, 1872		62 59
J. M. Ridemon	Daily Journal, furnished by order of the Clerk to J. Packard during 2d session 42d Congress		12 00
Allison & Wilson	Republican, furnished by order of the Clerk to J. Packard during 2d session 42d Congress		1 00
William Balantyne	75 reams letter-paper, P. & P., 12 pounds, at $4.12	309 00	
	50 reams letter-paper, P. & P., wide-ruled, at $4.12	206 00	
	40 reams letter-paper, P. & P., plain, at $4.12	164 80	
	300 reams note-paper, P. & P., at $2 21	663 00	
	100 reams legal cap, P. & P., at $4.82	482 00	
	25 reams foolscap, P. & P., at $4 82	120 50	
	25,000 white envelopes, 8½x3¾, at $3.75	93 75	
	25,000 white envelopes, 8½x3¾, at $3.98	99 50	
			2,138 55

General summary of the accounts, showing the amount appropriated, the amount expended, and the unexpended balances in the Treasury, June 30, 1872.

Compensation of the officers, clerks, messengers, and others, receiving an annual salary in the service of the House of Representatives:		
Appropriated		$155,519 60
Expended	$153,073 72	
Unexpended balance in the Treasury	2,445 88	
		155,519 60
Salaries of capitol police:		
Appropriated		$27,220 00
Expended	$27,219 84	
Unexpended balance in the Treasury	15	
		27,220 00
Cartage:		
Appropriated		$6,800 00
Expended	$3,986 90	
Unexpended balance in the Treasury	2,813 10	
		6,800 00
Clerks to committees and temporary clerks in the office of the House of Representatives:		
Appropriated		$41,304 00
Expended	$37,049 76	
Unexpended balance in the Treasury	4,254 24	
		41,304 00
Folding documents, including pay of folders in the folding-room, and materials:		
Appropriated		$110,000 00
Expended	$109,519 89	
Unexpended balance in the Treasury	480,11	
		110,000 00
Fuel:		
Appropriation		$7,000 00
Expended	$6,999 22	
Unexpended balance in the Treasury	78	
		7,000 00
Furniture, and repairs of the same:		
Appropriation		$18,000 00
Expended	$17,961 08	
Unexpended balance in the Treasury	38 92	
		18,000 00
Horses and carriages:		
Appropriated		$10,000 00
Expended	$8,759 50	
Unexpended balance in the Treasury	1,240 50	
		10,000 00
Laborers:		
Appropriation		$18,340 00
Expended	$16,203 76	
Unexpended balance in the Treasury	2,136 24	
		18,340 00

Miscellaneous items:		
Appropriated		$55,000 00
Expended	$54,993 61	
Unexpended balance in the Treasury	6 39	
		55,000 00
Newspapers and stationery:		
Appropriated		$31,250 00
Expended	$31,211 39	
Unexpended balance in the Treasury	38 61	
		31,250 00
Packing-boxes:		
Appropriated		$2,600 00
Expended		2,600 00
Pages:		
Appropriated		$17,639 34
Expended	$12,607 50	
Unexpended balance in the Treasury	5,031 84	
		17,639 34
Stationery for committees and officers of the House:		
Appropriated		$5,000 00
Expended	$4,933 98	
Unexpended balance in the Treasury	66 02	
		5,000 00
Total amount appropriated		$505,672 94
Total amount expended	$487,120 15	
Total amount of unexpended balances	18,552 79	
		505,672 94

B.

Amount of stationery furnished members	$9,829 65
Amount of stationery furnished committees	1,904 91

C.—*Amount of stationery furnished the Postmaster.*

½ ream letter-paper, at $7.50	$3 75
1½ reams letter-paper, at $6.10	9 15
1 ream letter-paper	3 75
2½ reams letter-paper, at $3.49	8 73
2 reams letter-paper, at $6.50	13 00
½ ream note-paper, at $2	1 00
½ ream note-paper, at $2.40	1 20
¼ ream note-paper, at $6.68	1 67
3½ reams note-paper, at $1.86	6 51
2½ reams note-paper, at $4.50	11 25
2¼ reams note-paper, at $4.12	9 27
1 ream note-paper	2 50
1 quire foolscap paper, at $4.89	25
¼ ream legal-cap paper, at $4.89	1 22
¼ ream envelope-paper, at $5.00	1 25
4,750 envelopes, at $3.08 per thousand	14 63
2,000 envelopes, at $5.63 per thousand	11 26
500 envelopes, at $2.73 per thousand	1 37
2,000 envelopes, at $8.98 per thousand	17 96
1,500 envelopes, at $4.23 per thousand	6 34
7,000 envelopes, at $5.13 per thousand	35 91
1,000 envelopes	8 00
2,000 envelopes, at $3.60 per thousand	7 20
4,000 envelopes, at $7.60 per thousand	30 40
5,000 envelopes, at $3 per thousand	15 45
2 rubber rules, at 56 cents	1 12
1 rubber eraser	10
2 boxes pens, at 40 cents	80
1 box pens	12
1 box pens	1 05
2 box pens, at 45 cents	90
2 boxes pens, at 68 cents	1 36
8 dozen lead-pencils, at 58 cents	4 64
½ dozen lead-pencils, at 60 cents	30
1 dozen lead-pencils	54
1 blank-book	55
1 blank-book	40
1 blank-book	1 50
1 blank-book	1 00
7 blank-books, at 61 cents	4 27
1 blank-book	1 68
1 blank-book	39
1 blank-book	44
2 bottles mucilage, at 75 cents	1 50
4 bottles mucilage, at 73 cents	2 22
3 bottles mucilage, at 21 cents	63
1 bottle ink	25
1 bottle ink	45
1 bottle ink	14
1 bottle ink	27
1 bottle ink	30
3 bottles ink, at 55 cents	1 65
3 bottles ink, at 46 cents	1 38
2 sponge-cups, at 53 cents	1 06
2 sponges, at 5 cents	10
7½ dozen pen-holders, at 39 cents	2 93
4 packages blotters, at 8 cents	32
16 packages blotters, at 5 cents	80
12 packages blotters, at 6 cents	72
3 boxes cards, at 19 cents	57
1 box cards	20

1 knife	$2 93
1 knife	1 29
2 knives, at $2.65	5 30
8 knives, at $1.45	11 60
5 knives, at $1.65	8 25
1 knife	2 37
2 knives, at $1.40	2 80
3 knives, at $1.81	5 43
1 knife	2 25
1 porte-monnaie	2 94
1 porte-monnaie	2 94
1 diary	83
1 inkstand	91
1 inkstand	136
1 inkstand	81
1 inkstand	17
1 inkstand	133
1 pen-rack	30
1 pair scissors	51
1 pair scissors	82
1 pair shears	2 37
1 pair shears	70
1 gross rubber bands	54
Total	321 85

Amount of stationery furnished the Sergeant-at-Arms.

1¼ ream legal-cap paper, at $4.89	$6 11
½ ream bill-cap paper, at $5.50	2 75
1 ream letter-paper	4 45
½ ream letter-paper, at $7.50	3 75
1 ream letter-paper	6 10
¾ ream letter-paper, at $3.49	2 62
½ ream letter-paper, at $4.37	2 19
¼ ream letter-paper, at $6.50	1 63
¼ ream letter-paper, at $4.12	1 03
1¼ reams note-paper, at $4.12	5 15
1 ream note-paper	1 86
¾ ream of note-paper, at $4.50	3 38
¼ ream note-paper, at $2	50
¼ ream note-paper, at $5	1 25
1,600 envelopes, at $2.73 per thousand	4 37
1,250 envelopes, at $4.23 per thousand	5 29
500 envelopes, at $3.08 per thousand	1 54
1,250 envelopes, at $5.13 per thousand	6 41
250 envelopes, at $2.65 per thousand	67
125 envelopes, at $6.50 per thousand	81
500 envelopes, at $5.11 per thousand	2 56
500 envelopes, at $3.09 per thousand	1 55
13 packages blotters, at 8 cents	1 04
2 packages blotters, at 7 cents	14
6 packages blotters, at 10 cents	60
8 packages blotters, at 5 cents	40
18 packages blotters, at 6 cents	1 08
2 blank-books, at $1.10	2 20
1 blank-book	40
1 blank-book	1 20
1 blank-book	20
2 diaries, at 83 cents	1 66
1 diary	1 40
1 tablet	14
1 knife	1 70
1 knife	1 16
1 knife	2 98
1 knife	1 79
1 knife	2 37
1 bottle mucilage	45
3 bottles mucilage, at 21 cents	63

1 bottle mucilage	$0 29
1 inkstand	17
1 bottle ink	27
2 bottles ink, at 41 cents	82
1 bottle ink	30
1 bottle ink	68
1 bottle ink	17
1 bottle ink	46
1½ dozen pen-holders, at 39 cents	59
2 dozen lead-pencils, at 39 cents	78
3 dozen lead-pencils, at 58 cents	1 74
½ dozen lead-pencils, at 54 cents	27
2 pocket-books, at $2.35	4 70
1 pocket-book	2 20
3 boxes steel pens, at 40 cents	1 20
1 box steel pens	1 18
1 box steel pens	59
1 box steel pens	1 05
2 boxes steel pens, at 68 cents	1 36
2 boxes steel pens, at $1.25	2 50
1 box quills	50
1 box cards	19
1 box cards	20
1 card-case	67
1 box leads	9
3 colored pencils, at 12 cents	36
1 gold pen	1 50
3 sponges, at 6 cents	18
1 pair scissors	62
1 pair scissors	71
1 gross rubber bands	88
1 gross rubber bands	77
1 gross rubber bands	72
1 gross rubber bands	80
1 gross rubber bands	54
1 steel eraser	42
6 rubber erasers, at 10 cents	60
3 rubber erasers, at 12 cents	36
Total	118 94

Amount of stationery furnished the Door-keeper.

1 ream letter-paper	$11 00
½ ream letter-paper, at $4.45	2 23
½ ream letter-paper, at $3.75	1 87
½ ream letter-paper, at $3.49	1 75
1 quire letter-paper, at $7	35
1 quire letter-paper, at $4.37	22
½ ream foolscap-paper, at $4.89	1 22
2 quires legal-cap paper, at $4.89	49
½ ream legal-cap paper, at $4.89	2 45
2 reams note-paper, at $9	18 00
3 reams note-paper, at $1.86	5 58
2½ reams note-paper, at $2.40	6 00
½ ream note-paper, at $2.00	1 00
1 quire note-paper, at $5.00	25
½ quire blotting-paper, at $1.75	87
42 sheets blotting-paper, at 5 cents	2 10
90 sheets blotting-paper, at 6 cents	5 40
1,250 envelopes, at $5.13 per thousand	6 41
1,750 envelopes, at $3.08 per thousand	5 39
250 envelopes, at $4.23 per thousand	1 06
1,500 envelopes, at $2.73 per thousand	4 10
75 envelopes, at $4.80 per thousand	36
500 envelopes, at $3.60 per thousand	1 80
1 gross rubber bands	11
1 gross rubber bands	13
1 gross rubber bands	77

1 gross rubber bands	$0 88
1 lead-pencil	10
1 dozen lead-pencils	98
13½ dozen lead-pencils at 58 cents	7 83
½ dozen bottles ink, at $5.39	2 69
½ dozen bottles ink, at $4.92	2 46
1 dozen bottles ink	4 93
12 bottles ink, at 41 cents	4 92
8 bottles ink, at 45 cents	3 60
6 bottles ink, at 50 cents	3 00
8 bottles ink, at 55 cents	4 40
2 bottles ink, at 38 cents	76
5 bottles ink, at $1.25	6 25
2 bottles ink, at 42 cents	84
13 bottles ink, at 46 cents	5 98
3 bottles ink, at 43 cents	1 29
4 bottles ink, at 33 cents	99
1 bottle	30
1 bottle	56
1 pair shears	82
1 pair shears	70
1 pair shears	2 37
1 pair scissors	82
1 porte-monnaie	2 94
1 porte-monnaie	2 59
1 ruler	54
10 tablets, at 7 cents	70
1 tablet	18
2 rubber erasers, at 12 cents	24
1 steel eraser	33
3 knives, at $2.65	7 95
1 knife	6 82
7 boxes cards, at 19 cents	1 33
1 box cards	20
54 spools tape, at 31 cents	16 74
90 spools tape, at 33 cents	29 70
78 spools tape, at 43 cents	33 54
1 quart black sand	20
100 boxes black sand, at 6 cents	6 00
2 dozen sand-boxes, at $9.00	18 00
5 bottles mucilage, at 21 cents	1 05
4 bottles mucilage, at 30 cents	1 20
1 bottle mucilage	45
1 bottle mucilage	73
1 bottle mucilage	75
2 paper-weights, at $1.30	2 60
1 paper-weight	70
1 box paper-fasteners	17
2 boxes paper-fasteners, at 18 cents	36
1 box paper-fasteners	25
5 pounds sealing-wax, at 59 cents	2 94
23 pounds sealing-wax, at 85 cents	19 55
2 pounds stamping-ink, at $3.48	6 96
2 dozen pen-holders, at 39 cents	78
4 dozen pen-holders, at 31 cents	1 24
2 boxes quills, at 50 cents	1 00
9 sponges, at 5 cents	45
1 sponge-cup	27
2 sponge-cups, at 29 cents	58
2 blank-books, at $1.68	3 36
1 blank-book	20
1 blank-book	1 45
1 blank-book	75
1 blank-book	94
1 blank-book	1 44
3 boxes pens, at 59 cents	1 77
3 boxes pens, at 45 cents	1 35
12 boxes pens, at 68 cents	8 16
1 box pens	40
1 box pens	50

1 box pens	$3 00
2 dozen inkstands, at $9	18 00
1 inkstand	1 88
1 inkstand	1 00
1 inkstand	80
1 inkstand	85
1 inkstand	88
Total	355 50

Amount of stationery furnished the reporters.

1 ream foolscap-paper	$4 25
2½ reams foolscap-paper, at $4.89	12 23
¾ ream foolscap-paper, at $6.15	4 62
¼ ream legal-cap paper, at $6.15	1 54
1 ream letter-paper	3 75
1½ reams letter-paper, at $3.49	5 24
¼ ream letter-paper, at $4.37	1 09
1 ream note-paper	2 50
2¾ reams note-paper, at $1.86	5 12
¼ ream note-paper, at $2.44	68
3 packages blotting-paper, at 5 cents	15
4 packages blotting-paper, at 6 cents	24
500 envelopes, at $5.66 per thousand	2 83
100 envelopes, at $3.47 per thousand	35
100 envelopes, at $3.78 per thousand	38
300 envelopes, at $3.20 per thousand	96
250 envelopes, at $3.08 per thousand	77
200 envelopes, at $4.23 per thousand	84
1,200 envelopes, at $2.73 per thousand	3 43
25 envelopes, at $5.13 per thousand	13
125 envelopes, at $8 per thousand	1 00
1 box pens	75
1 box pens	32
1 box pens	1 25
1 dozen pens	7
5 bottles mucilage, at 21 cents	1 05
2 tablets	14
1 pen-holder	19
1 pen-holder	26
1 pen-holder	25
1 dozen pen-holders	36
2 dozen pen-holders, at 24 cents	48
2 dozen pen-holders, at 39 cents	78
1 dozen pencils	39
1 9/12 dozen pencils, at 66 cents	1 17
10 dozen pencils, at 58 cents	5 80
1 bottle ink	30
1 bottle ink	15
4 bottles ink, at 41 cents	1 64
1 bottle ink	55
1 bottle ink	12
3 bottles ink, at 46 cents	1 35
1 knife	1 37
1 portemonnaie	2 18
1 portemonnaie	1 34
1 spool tape	33
1 rubber eraser	12
1 inkstand	17
Total	75 00

D.—*Amount of stationery furnished the Clerk.*

(This account comprises the stationery furnished also to the Globe reporters and the stenographers of the House.)

26 reams letter-paper, at $3.49	$90 74
4¾ reams letter-paper, at $3.75	17 81
4 reams letter-paper, at $3.87	15 48
18¼ reams letter-paper, at $4.37	78 75
5¾ reams letter-paper, at $4.45	25 59
½ ream letter-paper, at $4.75	2 38
4¾ reams letter-paper, at $6.10	28 98
2½ reams letter-paper, at $6.50	16 25
½ ream letter-paper, at $7.50	3 75
1 ream letter-paper	10 00
¼ ream letter-paper, at $12	3 00
31 reams foolscap-paper, at $4.89	151 79
16½ reams foolscap-paper, at $6.15	100 48
2 quires foolscap-paper, at $4 89	49
29¾ reams legal-cap paper, at $4.89	145 48
2 reams legal-cap paper, at $6	12 00
4 reams legal-cap paper, at $6.15	24 60
9 reams flat-cap paper, at $4.09	36 81
13¾ reams flat-cap paper, at $5.60	76 00
1 ream flat-cap paper	5 95
1 ream flat-cap paper	6 00
¾ ream engrossing-paper, at $19.50	14 63
2¼ reams engrossing-paper, at $19.95	44 89
1¼ reams engrossing-paper, at $21	26 25
½ ream note-paper, at $4.40	2 20
5¾ reams note-paper, at $2	11 50
½ ream note-paper, at $2.20	1 10
1½ reams note-paper, at $4.75	7 12
6¾ reams note-paper, at $4.50	30 38
1½ reams note-paper, at $2.74	4 11
3¼ reams note-paper, at $6.25	20 31
11½ reams note-paper, at $2.40	27 60
5¾ reams note-paper, at $2.75	15 81
4 reams note-paper, at $4.12	16 48
1 ream note-paper	4 00
¼ ream note-paper, at $10	2 50
2¾ reams note-paper, at $5. 25	12 43
½ ream note-paper, at $2.15	1 08
¼ ream note-paper, at $5.60	1 40
8 reams note-paper, at $2.50	20 00
1 ream note-paper	5 00
30¾ reams note-paper, at $1.86	57 20
½ ream note-paper, at $2.97	1 49
7¼ reams note-paper, at $2.37	17 18
¼ ream note-paper, at $3.18	80
144 packages blotting-paper, at 5 cents	7 20
83 packages blotting-paper, at 6 cents	4 98
10 packages blotting-paper, at 8 cents	80
1 package blotting-paper	9
18 packages blotting-paper, at 10 cents	1 80
24 sheets parchment, at 33 cents	7 92
500 sheets parchment, at 34 cents	170 00
200 sheets parchment, at 35½ cents	71 00
556 sheets parchment, at 65 cents	361 40
750 envelopes, at $9.50 per thousand	7 13
300 envelopes, at $5 per thousand	1 50
100 envelopes, at $8.09 per thousand	81
600 envelopes, at $5.75 per thousand	3 45
600 envelopes, at $3.50 per thousand	2 10
500 envelopes, at $2.75 per thousand	1 38
1,700 envelopes, at $5.63 per thousand	9 56
475 envelopes, at $13.13 per thousand	6 25
500 envelopes, at $4.12 per thousand	2 06
500 envelopes, at $4.50 per thousand	2 25
1,750 envelopes, at $4 per. thousand	7 00

75 envelopes, at $30 per thousand	$2 25
125 envelopes, at $4.30 per thousand	54
125 envelopes, at $11.88 per thousand	1 47
450 envelopes, at $3.55 per thousand	1 60
100 envelopes, at $4.10 per thousand	41
25 envelopes, at $8.09 per thousand	20
10,250 envelopes, at $3.08 per thousand	31 57
375 envelopes, at $6 per thousand	3 45
4,000 envelopes, at $5.13 per thousand	20 52
375 envelopes, at $34 per thousand	12 75
2,625 envelopes, at $4.23 per thousand	11 10
500 envelopes, at $13 per thousand	6 50
175 envelopes, at $3.10 per thousand	54
500 envelopes, at $3.09 per thousand	1 54
1,000 envelopes	8 98
250 envelopes, at $7.60 per thousand	1 90
150 envelopes, at $2.88 per thousand	43
1,500 envelopes, at $5.62 per thousand	8 43
1,000 envelopes, at $8 per thousand	8 00
250 envelopes, at $4.73 per thousand	1 18
125 envelopes, at $4.80 per thousand	60
3,550 envelopes, at $3.60 per thousand	12 78
17,250 envelopes, at $2.73 per thousand	47 10
500 envelopes, at $2.65 per thousand	1 32
16 Congress tie-envelopes at 3½ cents	56
3 Congress tie-envelopes, at 5 cents	15
9 Congress tie-envelopes, at 6 cents	54
24 Congress tie-envelopes, at 7 cents	1 68
16 boxes pens, at 30 cents	4 80
1 box pens	1 18
3 boxes pens, at 83 cents	2 49
4 boxes pens, at 88 cents	3 52
15 boxes pens, at 40 cents	6 00
6 boxes pens, at $1.34	8 04
6 boxes pens, at 69 cents	4 14
2 boxes pens, at $3	6 00
5 boxes pens, at $2.49	12 45
2 boxes pens, at $1.56	3 12
2 boxes pens, at $1.05	2 10
2 boxes pens, at 98 cents	1 96
11 boxes pens, at 45 cents	4 95
8 boxes pens, at 34 cents	2 72
2 boxes pens, at 64 cents	1 28
2 boxes pens, at 32 cents	64
2 boxes pens, at 51 cents	1 02
3 boxes pens, at $1.60	4 80
7 boxes pens, at $1.25	8 75
25 boxes pens, at $2	50 00
21 boxes pens, at 68 cents	14 28
1 box pens	19
1 box pens	1 19
1 box pens	14
1 paper-folder	34
3 paper-folders, at 35 cents	1 05
1 paper-folder	39
2 paper-folders, at 41 cents	82
2 paper-folders, at 50 cents	1 00
1 paper-folder	56
5 paper-folders, at 75 cents	3 75
8 paper-folders, at $1.25	10 00
2 pairs shears, at 70 cents	1 40
3 pairs shears, at 91 cents	2 73
3 pairs shears, at 82 cents	2 46
1 pair shears	74
1 pair shears	83
1 pair shears	2 37
1 pair shears	73
2 pairs scissors, at 74 cents	1 48
4 pairs scissors, at 66 cents	2 64
6 pairs scissors, at 62 cents	3 72

2 pairs scissors, at 70 cents	$1 40
6 pairs scissors, at 82 cents	4 92
2 pairs scissors, at 73 cents	1 46
1 pair scissors	74
1 pair scissors	89
1 pair scissors	44
1 pair scissors	83
1 pair scissors	64
1 ruler	47
1 ruler	56
1 ruler	49
1 ruler	50
1 ruler	54
2 rulers, at 43 cents	86
3 rulers, at 55 cents	1 65
1 punch	1 50
1 punch	1 62
4 punches, at 80 cents	3 20
2 punches, at $2	4 00
7 paper-weights, at $1.30	9 10
3 paper-weights, at 70 cents	2 10
3 paper-weights, at 60 cents	1 80
2 paper-weights, at 40 cents	80
1 paper-weight	63
1 paper-weight	1 00
1 paper-weight	2 25
1 paper-weight	45
1 paper-weight	68
7 bill-files, at 50 cents	3 50
22 boxes cards, at 19 cents	4 18
20 boxes cards, at 20 cents	4 00
9 dozen lead-pencils, at 39 cents	3 51
2 dozen lead-pencils, at 54 cents	1 08
69½ dozen lead-pencils, at 58 cents	40 31
1 dozen lead-pencils	92
6 dozen lead-pencils, at 98 cents	5 88
4½ dozen lead-pencils, at $1.10	4 95
7¼ dozen lead-pencils, at $1.50	10 88
1 pen-holder	58
15 pen-holders, at 26 cents	3 90
12 pen-holders, at 22 cents	2 64
6 pen-holders, at 20 cents	1 20
3 pen-holders, at 25 cents	75
2 pen-holders, at 41 cents	82
1 pen-holder	45
2 pen-holders, at 2 cents	4
1 dozen pen-holders	2 24
12½ dozen pen-holders, at 18 cents	2 25
2½ dozen pen-holders, at 19 cents	47
1 dozen pen-holders	2 58
2¾ dozen pen-holders, at 24 cents	66
10 dozen pen-holders, at $3.08	30 80
15¾ dozen pen-holders, at 39 cents	6 14
18 dozen pen-holders, at 36 cents	6 48
1 dozen pen-holders	2 02
2 bottles ink, at 48 cents	96
5 bottles ink, at 34 cents	1 70
4 bottles ink, at 21 cents	84
3 bottles ink, at 25 cents	75
5 bottles ink, at 50 cents	2 50
2 bottles ink, at 16 cents	32
17 bottles ink, at 45 cents	7 65
11 bottles ink, at 30 cents	3 30
2 bottles ink, at 42 cents	84
3 bottles ink, at 13 cents	39
2 bottles ink, at 12 cents	24
2 bottles ink, at 33 cents	66
6 bottles ink, at 56 cents	3 36
6 bottles ink, at 27 cents	1 62
3 bottles ink, at 55 cents	1 10

2 bottles ink, at 68 cents	$1 36
21 bottles ink, at 41 cents	8 61
14 bottles ink, at $1.25	17 50
22 bottles ink, at 38 cents	8 36
1 bottle ink	14
1 bottle ink	32
1 bottle ink	63
1 bottle ink	26
1 bottle ink	31
1 bottle ink	43
80 bottles mucilage, at 21 cents	16 80
7 bottles mucilage, at 29 cents	2 03
8 bottles mucilage, at 30 cents	2 40
3 bottles mucilage, at 45 cents	1 35
9 bottles mucilage, at 75 cents	6 75
1 bottle mucilage	25
6 pen-wipers, at 17 cents	1 02
2 pen-wipers, at 29 cents	58
4 inkstands, at $1.00	4 00
3 inkstands, at $1.94	5 82
2 inkstands, at $1.88	3 76
3 inkstands, at $1.64	4 92
25 inkstands, at 17 cents	4 25
2 inkstands, at 81 cents	1 62
5 inkstands, at 80 cents	4 00
2 inkstands, at $2.30	4 60
4 inkstands, at $3.24	12 96
4 inkstands, at 13 cents	52
5 inkstands, at $1.02	5 10
4 inkstands, at $2.74	10 96
4 inkstands, at $1.37	5 48
3 inkstands, at $2.25	6 75
1 inkstand	1 36
1 inkstand	1 62
1 inkstand	50
1 inkstand	2 63
1 inkstand	1 16
1 inkstand	60
3 pen-racks, at 75 cents	2 25
4 pen-racks, at 58 cents	2 32
1 pen-rack	30
1 pen-rack	39
12 boxes wafers, at 25 cents	3 00
1 ruling-pen	1 25
1 box eyelets	25
1 index-book	30
2 dozen silk taste, at $4.50	9 00
3 portemonnaies, at $3.23	9 69
2 portemonnaies, at $2.94	5 88
2 portemonnaies, at $2.30	4 60
2 portemonnaies, at $3.50	7 00
1 portemonnaie	2 50
1 portemonnaie	3 57
1 portemonnaie	4 00
1 portemonnaie	4 20
1 portemonnaie	1 45
1 portemonnaie	2 48
1 portemonnaie	3 44
1 memorandum-book	17
1 memorandum-book	21
6 memorandum-books, at 7 cents	42
6 memorandum-books, at 19 cents	1 14
3 blank-books, at $1.68	5 04
4 blank-books, at $1.10	4 40
6 blank-books, at $1.44	8 64
3 blank-books, at 55 cents	1 65
3 blank-books, at $1.57	4 71
1 blank-book	89
1 blank-book	75
1 blank-book	2 00

1 blank-book	$3 00
1 blank-book	2 50
1 blank-book	56
1 pound sealing-wax	85
1 pound sealing-wax	1 45
1 gold pen	5 00
1 gold pen	3 02
1 gold pen	2 48
1 gold pen	5 50
1 gold pen	1 60
1 gold pen	4 00
1 gold pen	4 75
1 gold pen	2 42
1 gold pen	4 25
1 gold pen	3 34
1 gold pen	5 46
4 gold pens, at $5.58	22 32
3 gold pens, at $2.84	8 52
4 gold pens, at $4.33	17 32
5 gold pens, at $2.75	13 75
2 gold pens, at $5.20	10 40
3 gold pens, at $3.50	10 50
2 gold pens, at $3.25	6 50
2 gold pens, at $5.83	11 66
1 scrap-book	1 15
1 scrap-book	1 38
7 scrap-books, at $1.48	10 36
1 portfolio	1 40
1 portfolio	3 75
1 portfolio	7 80
1 portfolio	9 00
1 papeterie	1 67
3 papeteries, at $1.95	5 85
4 papeteries, at $1.50	6 00
4 knives, at $2.65	10 60
3 knives, at $2.93	8 79
2 knives, at $1.76	3 52
5 knives, at $1.65	8 25
5 knives, at $2.30	11 50
3 knives, at $1.96	5 88
2 knives, at $1.29	2 58
2 knives, at $1.71	3 42
1 knife	2 67
1 knife	1 68
1 knife	90
1 knife	4 82
1 knife	1 40
1 knife	1 53
1 knife	2 25
1 knife	1 97
1 knife	2 91
1 knife	2 37
1 knife	1 81
1 knife	1 89
1 knife	3 30
1 knife	3 31
1 knife	8 50
32 tablets, at 7 cents	2 24
36 tablets, at 18 cents	6 48
5 boxes cut quills, at 50 cents	2 50
5 boxes cut quills, at 54 cents	2 70
1 box leads	9
3 dozen Faber's erasers, at $1.16	3 48
1½ dozen Faber's erasers, at $1.50	2 25
9 rubber erasers, at 6 cents	54
3 rubber erasers, at 7 cents	21
1 rubber eraser	13
29 rubber erasers, at 10 cents	2 90
11 rubber erasers, at 12 cents	1 32
2 steel erasers, at 21 cents	42

8 steel erasers, at 30 cents	$2 40
6 steel erasers, at 45 cents	2 70
8 steel erasers, at 33 cents	2 64
2 steel erasers, at 48 cents	96
2 steel erasers, at 67 cents	1 34
2 letter-clips, at 88 cents	1 76
1 letter-clip	83
5 blotting-pads, at 30 cents	1 50
1 blotting-pad	34
1 blotting-pad	2 00
1 card-case	67
2 boxes pencil-sharpeners, at 74 cents	1 48
1 newspaper-file	83
1 autograph-book	1 80
1 box binding-tags	1 50
4 boxes paper-fasteners, at 17 cents	68
19 boxes paper-fasteners, at 18 cents	3 42
15 boxes paper-fasteners, at 25 cents	3 75
½ dozen indelible ink, at $4.50	2 25
2 sand-boxes, at 25 cents	50
2 sand-boxes, at 75 cents	1 50
2 sponge-cups, at 15 cents	30
2 sponge-cups, at 21 cents	42
2 sponge-cups, at 30 cents	60
2 sponge-cups, at 39 cents	78
2 sponge-cups, at 33 cents	66
1 sponge-cup	45
1 sponge-cup	26
10 sponges, at 5 cents	50
14 sponges, at 6 cents	84
85 spools pink tape, at 33 cents	28 05
37 spools pink tape, at 43 cents	15 91
4 spools pink tape, at 46 cents	1 84
2 diaries, at $1.31	2 62
1 diary	1 53
1 diary	1 39
1 diary	2 26
1 diary	54
1 diary	3 50
1 diary	1 26
1 diary	1 35
1 diary	75
1 diary	1 37
7 rubber pencils, at 39 cents	2 73
7 rubber pencils, at 30 cents	2 10
2 rubber pencils, at 57 cents	1 14
4 rubber pencils, at 37 cents	1 48
1 rubber pencil	40
1 rubber pencil	48
1 rubber pencil	50
1 gold and rubber pencil	1 88
1 gold and rubber pencil	1 92
4 dozen rubber bands, at 20 cents	80
1 dozen rubber bands	19
2 dozen rubber bands, at 7½ cents	15
14 gross rubber bands, at 11 cents	1 54
11 gross rubber bands, at 12½ cents	1 38
1 gross rubber bands	67
5 gross rubber bands, at 65 cents	3 25
3 gross rubber bands, at 70 cents	2 10
1 gross rubber bands	72
4 gross rubber bands, at 77 cents	3 08
1 gross rubber bands	81
1 gross rubber bands	90
3 gross rubber bands, at 88 cents	2 64
3 gross rubber bands, at $1.10	3 30
2 gross rubber bands, at $1.24	2 48
1½ gross rubber bands, at $1.49	1 86
2 gross rubber bands, at $1.50	3 00
3 gross rubber bands, at $1.61	4 83

2½ gross rubber bands, at $1.96	$4 90
½ gross rubber bands, at $2.33	1 17
½ gross rubber bands, at $2.50	1 25
½ gross rubber bands, at $3.50	1 75
Total	3,180 06
Amount of stationery on hand, July 1, 1872	10,774 62

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42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 14.

ANNUAL REPORT OF THE BOARD OF VISITORS OF THE UNITED STATES MILITARY ACADEMY.

REPORT

OF THE

VISITORS AT WEST POINT ON THE PART OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 10, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 9, 1872.

To the Speaker of the House of Representatives:

The undersigned, visitors appointed on the part of the House to attend the annual examination of cadets at the Military Academy at West Point for the year 1872, in compliance with law, have the honor to report:

That they attended such examination, and that their views in relation to the state of discipline, instruction, police administration, fiscal affairs, and other matters pertaining to the Military Academy, are fully set forth in the report of the Board of Visitors, a copy of which is herewith submitted, and to which reference is respectfully made.

WM. L. STOUGHTON.
A. A. SARGENT.

The undersigned was prevented by illness from attending the examination at West Point, but he has the honor to concur in the report of his colleagues of the committee.

S. S. COX.

OFFICERS AND PROFESSORS ON DUTY AT THE UNITED STATES MILITARY ACADEMY, SEPTEMBER 1, 1872.

Name.	Rank and regiment.	Duties.
Thomas H. Ruger	Colonel Eighteenth Infantry	Superintendent.
Emory Upton	Lieutenant-colonel First Artillery	Commandant of cadets.
Albert E. Church, LL. D	Professor of mathematics	
Robert W. Weir, N. A	Professor of drawing	
Henry L. Kendrick, LL. D	Professor of chemistry, &c	
Patrice de Janon	Professor of Spanish	
Peter S. Michie, Ph. D	Professor of philosophy	
George L. Andrews	Professor of French	
John Forsyth, D. D	Chaplain, and professor of ethics and law.	
Junius B. Wheeler	Professor of engineering	
Thomas A. McParlin	Surgeon medical department	Post surgeon.
Joseph S. Conrad	Captain Second Infantry	Assistant instructor of infantry tactics.
Robert H. Hall	Captain Tenth Infantry	Adjutant.
James M. Marshall	First lieutenant Fourth Artillery	Quartermaster.
John Egan	Captain Fourth Artillery	Assistant instructor of artillery tactics. Treasurer.
Oswald H. Ernst	Captain Engineers	Instructor of practical military engineering.
Charles W. Raymond	Captain Engineers	Assistant professor of philosophy.
Alfred E. Bates	Captain Second Cavalry	Assistant instructor of cavalry tactics.
John R. McGinnias	Captain Ordnance	Instructor of ordnance and gunnery.
Alexander M. Miller	Captain Engineers	Assistant professor of engineering.
Jenkins A. Fitzgerald	Assistant surgeon medical department.	Assistant post surgeon.
James W. Reilly	First lieutenant Ordnance	Assistant professor of ethics and law.
John P. Story, jr	First lieutenant Fourth Artillery	Assistant professor of mathematics.
Edward H. Totten	First lieutenant First Artillery	Assistant professor of drawing.
George G. Greenough	First lieutenant Fourth Artillery	Assistant professor of French.
Samuel M. Mills	First lieutenant Fifth Artillery	Assistant instructor of tactics.
Thomas H. Handbury	Captain Engineers	Acting assistant professor of engineering.
John C. Mallory	First lieutenant Engineers	Acting assistant professor of engineering.
John F. Stretch	First lieutenant Tenth Infantry	Assistant instructor of tactics.
William F. Reynolds, jr	First lieutenant First Artillery	Acting assistant professor of mathematics.
Sedgwick Pratt	First lieutenant Third Artillery	Acting assistant professor of drawing.
John M. K. Davis	First lieutenant First Artillery	Assistant instructor of tactics.
Thomas H. Barber	First lieutenant First Artillery	Assistant professor of French.
John E. Greer	Second lieutenant Ordnance	Acting assistant professor of mathematics.
Edgar W. Bass	First lieutenant Engineers	Acting assistant professor of philosophy.
Frank Heath	Second lieutenant Third Artillery	Acting assistant professor of mathematics.
David D. Johnson	Second lieutenant Fifth Artillery	Acting assistant professor of chemistry, &c.
David S. Denison	Second lieutenant Fifth Artillery	Assistant professor of Spanish.
Samuel E. Tillman	First lieutenant Engineers	Assistant professor of chemistry, &c.
Daniel M. Taylor	Second lieutenant First Artillery	Acting assistant professor of French.
William P. Duvall	Second lieutenant Fifth Artillery	Acting assistant professor of mathematics.
Henry L. Harris	Second lieutenant First Artillery	Acting assistant professor of mathematics.
David A. Lyle	Second lieutenant Second Artillery	Acting assistant professor of philosophy.
Edward S. Holden	Second lieutenant Engineers	Assistant instructor of practical military engineering.

MEMBERS OF THE BOARD.

Appointed by the President.

General H. T. REID, (President,) Iowa.
Colonel JAMES L. SCUDDER, (Secretary,) Tennessee.
Rev. CHARLES HODGE, New Jersey.
Hon. LOUIS S. LOVELL, Michigan.
Rev. CHARLES W. ELIOT, LL. D., Massachusetts.
GEORGE A. THRUSTON, Maryland.
HENRY R. PIERSON, New York.

Appointed by the President of the Senate.

Hon. SIMON CAMERON, United States Senator from Pennsylvania.
Hon. ALEXANDER RAMSEY, United States Senator from Minnesota.

Appointed by the Speaker of the House of Representatives.

Hon. WILLIAM L. STOUGHTON, Representative from Michigan.
Hon. AARON A. SARGENT, Representative from California.
Hon. SAMUEL S. COX, Representative from New York.

EXTRACT FROM ACT OF CONGRESS APPROVED AUGUST 8, 1846, AMENDED BY ACTS OF MARCH 16, 1868, AND FEBRUARY 21, 1870.

That the President be authorized to appoint a Board of Visitors to attend the annual examination of the Military Academy, whose duty it shall be to report to the Secretary of War, for the information of Congress, at the commencement of the next succeeding session, the actual state of the discipline, instruction, police, administration, fiscal affairs, and other concerns of the institution: *Provided*, That the whole number of visitors each year shall not exceed seven: *Provided further*, That no compensation shall be made to said members beyond the payment of their expenses for board and lodging while at the Military Academy, and an allowance not to exceed eight cents per mile, for traveling by the shortest mail-route from their respective homes to the Academy, and back to their homes. And in addition to the other members of the Board of Visitors to be appointed by the President, according to law, to attend the annual examination of cadets at the United States Military Academy, there shall be on every such board two Senators, to be designated by the Vice-President, or President, *pro tempore* of the Senate; and three members of the House of Representatives, to be designated by the Speaker of the House of Representatives; such designations respectively to be made at the session of Congress next preceding the time of such examination; and the Senators and Members so appointed shall make full report of their action as such visitors, with their views and recommendations in regard to the said Military Academy, within twenty days after the meeting of Congress, at the session next succeeding the time of their appointment.

REPORT OF THE BOARD OF VISITORS.

WEST POINT, *June*, 1872.

SIR: The Board of Visitors to the United States Military Academy, for 1872, has the honor to submit the following report upon "the actual state of the discipline, instruction, police, administration, fiscal affairs, and other concerns of the institution."

DISCIPLINE.

The discipline of the Academy has been excellent under the administration of the present superintendent and commandant, partly because of the good judgment and soldierly qualities of these officers, and partly because of the firm support which the War Department has wisely given to the superintendent and the academic board. The visitors believe that, while the discipline is strict and severe, as is essential in a military institution, it is also, in the main, just, and judiciously adapted to the ends in view.

The board cordially approve of the discontinuance, within the last two years, of the system of exacting from cadets pledges on oath or on honor with regard to their conduct. Such pledges are objectionable, as giving occasion for all sorts of demoralizing casuistry, and as being confessions of weakness on the part of the authorities which are singularly inadvisable in a military school.

In general, the visitors believe that the punishments used in the Academy are duly proportioned to the offenses for which they are inflicted; but they find the system of summary dismission too severe to be made by regulation the only legal punishment for the offense of harassing or molesting new cadets, an offense which may have many degrees of heinousness. Excessive or unreasonable punishments give grounds for legitimate complaints, and do more harm than good to the discipline of any place of instruction. There are, it is true, means of avoiding the injustice which the literal enforcement of the regulation numbered 122 would not unfrequently cause; the superintendent may recommend to mercy a cadet who has committed an offense which is really venial; or the War Department or the President may modify the sentence imposed by regulation; but inasmuch as the bare existence of a regulation which is frequently disregarded is an evil in itself, and inasmuch as the interference of authorities outside of and above the Academy is to be deprecated as inevitably injurious to discipline, unless such interference is very rare and very judicious, the visitors respectfully suggest that there be added to Regulation 122 the phrase employed in several other regulations relating to offenses, namely: "or be otherwise less severely punished, according to the degree of his offense."

It has seemed to the Board of Visitors that some of the cadets needed to be reminded, by the precept and example of all their officers and teachers, that violen e of speech is as unbecoming an officer and a gentleman as any other sort of brutality, and that it would be well to have it understood that in selecting young officers for duty at the Academy,

the Department looks for men who are as quiet as they are firm, and as self-controlled as they are energetic.

By Regulation 174, as amended March 15, 1872, reveille is at 5 o'clock a. m. from June 1 to September 1, at 6 o'clock a. m. from November 1 to March 1, and at 5½ o'clock a. m. the rest of the year; the signal to extinguish lights being at 10 o'clock p. m. during the whole year. The great majority of the cadets go to bed again after reveille and the first inspection of rooms, and get from an hour and a half to three-quarters of an hour of stolen sleep. This violation of the regulation has been winked at for many years, because the young men actually need more sleep than the regulation gives them. The visitors respectfully suggest that the regulation be so changed as to allow every cadet at least eight hours of unbroken sleep at all seasons of the year.

The best medical opinion is opposed to the use of the eyes in reading or study immediately after waking and before breakfast, and to violent exercise of any sort before breakfast. In deference to this opinion the Board suggests that the hour of breakfast should be placed as soon as practicable after reveille.

INSTRUCTION.

Terms of admission.—The character of a school is greatly influenced by the quality of the young persons who are admitted to its lowest class, and the requisitions for admission go far to determine this quality. The Military Academy is very disadvantageously situated in this regard; its requisitions for admission are by no means as high as those of the leading scientific and polytechnic schools of the country; indeed, there are many high schools and academies which demand more for admission than is demanded at West Point. The average age of the candidates for admission is eighteen years and eleven months, (see Appendix I,) but these adult men are only examined in reading, writing, arithmetic, English grammar, and the elements of geography and American history. Many boys of twelve could sustain the examination with ease. During the past five years the number of rejections for incompetency, at even this admission examination, has been from 20 to 50 per cent. of the whole number of applicants, in spite of the fact that the candidates have recently had notice of their provisional appointments several months before the examination. The professors and instructors who deal with the lowest class of the Academy, testify that they have to teach the greater part of the class how to study. Much time is necessarily devoted to this preliminary training.

Opinions may differ as to the real causes of this very low intellectual condition of the majority of the young men who gain admission to West Point, or as to the inevitableness of this condition of things, but as to the fact there can be no dispute. It is a fact which affects the whole course of study at the Academy, and it is necessary that an examining board should bear it constantly in mind, or they will be liable to do injustice to the teachers and the methods of the Academy.

The reason for keeping the requisitions for admission to West Point low, is that there are parts of the country in which a poor man's son can get no instruction in any but the most elementary subjects. This argument, though reasonable within certain limits, need not be pushed to the extreme of allowing the most ignorant State or Territory to set the standard for all the rest of the country. Five years ago the requisites for admission were increased by adding "a knowledge of the elements of English grammar, of descriptive geography, particularly of our own

country, and of the history of the United States," to the earlier requisites, which were simply reading, writing, and arithmetic. It is never wise to make sudden changes of great amount in the requisites for admission to an educational institution. The Board of Visitors, therefore, while it joins the many preceding boards which have reported upon this subject in deploring the present low standard of admission, would only recommend that the standard be raised in a slow way by successive small steps. One step would be the addition to the requisitions of a portion of elementary algebra, namely, the ground rules, fractions, and simple equations; a second step would be the addition of quadratic equations to this first requisition of algebra; a third step would be the addition of plane geometry.

It is in the power of the academic board to make much or little of the requisitions actually prescribed by Congress. The visitors observed, with satisfaction, that it was the purpose of the academic board to make the admission examination searching and effective within its very limited range.

It is a legitimate and wholesome effect of a national school, to which admission is obtained through a well-conducted examination of reasonable range, that it stimulates, and to some extent regulates, the lower schools of the country. The lower schools, both public and private, exert themselves to fit boys well for such examinations. Every boy who succeeds in passing creditably the Government examination, wins prize for the school which fitted him, as well as for himself. The strong effect of the college examinations for admission upon the preparatory schools and academies of the country illustrates this principle.

With their present requisitions for admission, the Military and Naval Academies of the United States can have no stimulating effect on any school in the country above a primary school.

The Board of Visitors respectfully commend this important subject of the terms of admission to the consideration of the Department; they feel that the future welfare of the Academy depends largely upon the wise solution of this problem. The Academy must keep up with the general educational progress of the country; its raw material will go far to determine the nature of its product.

Course of instruction.—The great merit of the course of instruction and discipline at West Point, taken as a whole, is, that it cultivates, in an eminent degree, the virtues of obedience and self-denial, the sentiment of honor, and the sense of duty. The next conspicuous merit of the Academy is the thoroughness with which all the instruction is given, both in the theoretical and practical branches. In the theoretical studies this thoroughness is obtained at the sacrifice of range and variety, but under the peculiar circumstances of the Academy this sacrifice is wise. It is a third merit of the Academy that it sends out lieutenants who are competent to command in all three arms of the service; they have learned the duties of a soldier in the artillery, cavalry, and infantry. This is not the system of European military schools, but it is, nevertheless, a system singularly well adapted to the peculiar needs of the people and Government of the United States. The Board of Visitors desires thus to express its hearty recognition of these conspicuous merits of the Military Academy before it makes any criticisms upon the course of instruction, or indicates the points at which improvements seem possible.

The visitors are decidedly of the opinion that the study of Spanish should be discontinued, and that the time now allotted to Spanish should be given to French. The argument which caused the introduction of

Spanish into the course was, that we border upon a people who speak Spanish, and have many relations with the South American Spanish-speaking nations. The arguments which determine the opinion of the Board of Visitors are, first, that, as there is not time for the cadets to learn two foreign languages well, French is vastly the best language for them to study, because it is still the most available language for communication with foreigners, and because it has a very important military literature, which Spanish has not; secondly, that the mental training obtained by studying one language thoroughly is more valuable than that gained in getting a smattering of two languages; thirdly, that, as a matter of fact, the cadets can get only a very slight acquaintance with Spanish in the short time allotted to that study; there is no possibility of teaching them to speak or write the language, and the little they learn of it must soon be forgotten by the great majority of the cadets.

If this recommendation of the Board of Visitors should be adopted, French would be studied every day for two years. A substantial knowledge of the language can be gained in that time, even by young men who have had no other linguistic training. At the end of the second year, however, French is absolutely dropped, according to the present programme of studies. In order to keep up the knowledge of the language once acquired, the visitors recommend that a French text-book be used in some important department, both in the third and fourth year of the course.

The Board of Visitors, like many preceding boards, has remarked among the cadets a lack of ease and precision in the use of English. Rhetoric is not studied, and there are no exercises in English composition. Under the existing terms of admission, the graduate of the Military Academy may never have received any adequate instruction in the use of his native language. In addition to what he has been taught at the Academy itself, the graduate of the Academy is only expected to know what is taught in primary schools or in the lower classes of grammar schools. If he knows anything else, he has gone beyond the official requirements. In this condition of things the board recommends that in the event of the time allotted to French being increased by the suppression of Spanish, the department of French be instructed to require of the cadets frequent written translations from French into English, and to exact careful attention to the correctness and elegance of the English, and to neatness of penmanship.

The visitors think better of such exercises than of English compositions, believing that it is a vicious practice for young men to write upon subjects about which they really have no ideas. The Board of Visitors further recommends the vigorous and incessant enforcement of accuracy of language and distinctness of enunciation on the part of the cadets at all the ordinary recitations.

The board respectfully reports to the Department that the equipment of the departments of natural philosophy and chemistry is wholly inadequate, and that the mode of teaching in both these departments needs reconsideration and modification. Under the existing programme of studies, the cadet spends one-half of all the time he has for study, in the first two years of his course, upon the mathematics. The professor of mathematics is a man of great ability, force, and experience, and he comes in contact with every cadet every week for two years from his first entrance into the Academy. Under these circumstances the mode of teaching and the mode of recitation in all their details, including the use of the chalk and pointer at the blackboard, which are prescribed, and wisely pre-

scribed, in the mathematical department, are carried into the teaching of the sciences of observation and experiment, where they are by no means so appropriate. There is a peculiar discipline to be got from the proper study of chemistry, mineralogy, acoustics, optics, and electricity, a discipline which is not like the discipline to be derived from mathematics, and it is that peculiar discipline which the cadets should get from these studies; for chemistry and physics, when taught with book and blackboard, as if they were mathematics, are not as useful for training as the mathematics themselves. Indeed, it would be hard to contrive a more unprofitable and odious employment for the mind than committing to memory the facts of chemistry out of a manual. To commit a Latin grammar to memory would be better training, and more useful in every point of view. In order that chemistry and physics should yield to the student's mind their own peculiar fruits, they must be studied by observation and experiment on the part of the student. Only in this way can he acquire any just conceptions of the processes, methods, and results of these sciences. The student must handle the tools himself and observe for himself. If the bare facts of chemistry and physics are unprofitable husks, the theories and hypotheses of those sciences are not much better mental food when separated from the experimental data on which they rest. Indeed, when an inexperienced and defenseless student has a physical theory or speculation impressed on his mind by authority, as if it were a natural fact, he suffers a mental injury, which is always serious and sometimes irreparable. These views concerning the right mode of teaching the natural and physical sciences are by no means new. They are admitted in the practice of the best scientific schools and colleges. In order to equip working laboratories in chemistry and physics, it would be necessary to spend a moderate sum, say $5,000, in each department, in providing the necessary fixtures and apparatus. Several excellent examples of such working laboratories may be found among the private incorporated colleges and polytechnic schools of the country.

It is, moreover, very desirable that the collections of illustrative apparatus in chemistry and physics should be gradually increased. A moderate annual appropriation in each department would be better than a large sum in one year and nothing in succeeding years.

While they make these suggestions about the mode of teaching chemistry and physics, the Board of Visitors do not mean to cast any imputation upon the efficiency of the excellent professors in these departments, and they desire expressly to guard against the possible inference that they would like to have more time devoted to these sciences. The board is of opinion that enough time is allotted to these subjects; they only suggest a different use of the time now given to them.

The thought that it will be hard to find young Army officers, graduates at West Point, who would be competent laboratory assistants to the accomplished professors of chemistry and natural philosophy, in giving the new kind of instruction suggested, brings into view a general difficulty in the organization of the Academy which well deserves the attention of the Department. All the instructors at West Point, apart from the professors, are young graduates of the Academy, who, after a few years of service on the frontier or on the sea-board, come back to West Point to act as teachers for four or five years under the active supervision of the professors. These young men have had the West Point training, and, as a rule, no other systematic instruction. Being under the orders of the permanent professors, they cannot strike out new ways of their own, even if they should devise any, which is highly improbable.

They have no opportunity of enlarging their experience and increasing their knowledge and skill by studying at universities or special schools, either of this country or Europe. In short, the Military Academy breeds in-and-in. The inherent conservatism of the system is only intensified by the frequency with which the superintendent and commandant are changed. The Board of Visitors content themselves with calling the attention of the Department to this danger, which they feel to be a grave one.

The three departments of mathematics, natural and experimental philosophy, (which includes mechanics,) and military and civil engineering, form, in some important respects, a sequence or progression. It is important that the several subjects which constitute this series should occupy the proper proportion of time, and that the transition from one subject to the next higher should be made at the right moment, and without waste by unnecessary repetitions in one department of what has really been taught in another. The board has received the impression that some time might be saved in the last two years of the course if the relations of the three departments above mentioned should be thoroughly re-examined by the Academic Board, and they believe that the present is a propitious time for such revision, because two young professors have lately been appointed, who would bring fresh minds to the work. The professorship of military and civil engineering is greatly overloaded. One professor, however able, is insufficient for such a wide range of both theoretical and practical knowledge, particularly as the same professor is called upon to give all the instruction in grand tactics, strategy, and the art of war. It is greatly to be desired that military and civil engineering should be separated and a professorship be established for each subject; but so long as the requisitions for admission remain at their present deplorably low level this improvement cannot well be made, because the course is full, and the cadets now give as much time to the general subject of engineering as can fairly be claimed for it, with due regard to the other equally pressing demands upon their attention.

At present the instruction given at the Academy in applied mechanics and engineering is necessarily elementary and incomplete. There are several scientific and polytechnic schools in the country in which much ampler courses of instruction in applied mechanics and civil, topographical, and mechanical engineering are provided than are given at West Point, or can be given there, so long as the starting-point of the Academy remains what it is.

The drawings made by the several classes at the Academy were carefully inspected by the Board of Visitors. The free-hand drawings prove that a certain number of the cadets are capable of learning to use the pencil, pen, and brush with skill, but that for the majority of the cadets the time spent in free-hand drawing is wasted, in spite of the assiduity and genius of the professor of drawing. With the greater number of his pupils, neither the eye nor the hand can be trained. The attention paid to mechanical drawing, taking the whole course through, seemed insufficient. The general mechanical execution of the last drawing made by the first class—a drawing of a half front of fortifications, with dry ditches and horizontal site—was not very creditable. In view of these facts, the board ventures to suggest that the drawing of the second year (third class) be confined to lettering, plotting, perspective, shades and shadows, topography, and other kinds of mechanical drawing, and that the drawing of the third year (second class) be dispensed

with as a required exercise. To fill the void thus made, the board further ventures to suggest that each cadet be required to study some one of the following subjects: free-hand drawing, chemistry, (laboratory work,) experimental philosophy, (laboratory work,) or French, the value to be given in either subject, in forming the merit roll, being 100. The cadets would probably choose with reference to their own tastes and capacities. This measure would give a chance of training assistant instructors in those four departments who would have attainments somewhat beyond the ordinary requirements.

The board were surprised te find that several weeks of the second year (third class) were devoted to ordinary penmanship, at the expense of drawing. In the opinion of the board, a fair handwriting ought to be insisted upon at the admission examination, and no time should be given, in the programme of studies at the Academy, to the practice of penmanship.

The cadets get but very little practice in the use of surveying-instruments. In the opinion of the board, more time might wisely be devoted to field-work in surveying and leveling. The actual use of the instruments gives excellent training of eye and hand, and the theory of the subject is made familiar by practical applications.

The observatory of the Academy is not in working order. The domes, shutters, and other appurtenances are out of repair; the equatorial is an old instrument, and is not in good condition; and certain alterations in the building have rendered it less fit than it originally was for the use of an observatory. If the Government proposes to maintain at West Point an astronomical observatory as a station for scientific labor, a liberal appropriation for building and equipping a new observatory will be necessary, and thereafter an annual appropriation for defraying the expenses of incessant observation. If, on the other hand, the Government simply desires to fit a few engineers every year for work upon the surveys which are likely to be in progress for many years to come in this country, a moderate expenditure upon the present observatory would make it an available though not a convenient place of practice in the common astronomical and geodetical observations. With the present programme of instruction in the Academy, it is impossible to give the cadets any practical instruction either in astronomy or geodesy, and the board does not perceive that the observatory has any direct function in regard to the cadets.

In all the departments of instruction in the Academy a great deal of time is given to reviews or repetitions as the cost of thoroughness. This fact is well illustrated by the following figures obtained from the three leading departments:

Mathematics.

Fourth class.	Algebra—57 lessons in advance, 47 in review during the year.	
	Geometry	Best section, 28 lessons in advance, 27 in review during the year.
		Worst section, 39 lessons in advance, 37 in review during the year.
	Trigonometry.	Best section, 15 lessons in advance, 12 in review during the year.
		Worst section, 18 lessons in advance, 16 in review during the year.
	Descriptive geometry.	Best section, 24 lessons in advance, 21 in review during the year.
		Worst section, 9 lessons in advance, 8 in review during the year.

Third class.	Analytical geometry.	Best section, 41 lessons in advance, 47 in review.
		Worst section, 32 lessons in advance, 36 in review.
	Descriptive geometry.	Best section, 14 lessons in advance, 16 in review.
		Worst section 26 lessons in advance, 25 in review.
	Diff. and integ. calculus.	Best section, 36 lessons in advance, 34 in review.
		Worst section, 33 lessons in advance, 31 in review.
	Surveying	Best section, 14 lessons in advance, 9 in review.
		Worst section, 15 lessons in advance, 13 in review.
	Right-line drawing—18 days.	

Natural philosophy.

Second class.	Mechanics—55 lessons in advance, 61 in review, 6 to 8 lectures.
	Acoustics—8 lessons in advance, 6 in review, 1 to 2 lectures.
	Optics—16 lessons in advance, 13 in review, 4 to 6 lectures.
	Astronomy—30 lessons in advance, 31 in review, 2 to 4 lectures.

Military and civil engineering.

First class.	Fortification and stone-cutting—9 lessons in advance, 5 in review.
	Civil engineering—34 lessons in advance, 36 in review.
	Field-works—20 lessons in advance, 14 in review,
	Permanent works—17 lessons in advance, 10 in review.
	Outposts—art of war—15 lessons in advance, 9 in review.
	Drawing—24 days.
	Lectures—10 days.

Every class in the Academy is divided, for the recitations in each subject, according to proficiency in that subject. The sections into which each class is divided in each subject do not all accomplish the same amount of work. The poorest scholars pass over, in a somewhat inferior manner, from two-thirds to three-quarters of the ground covered by the best scholars. It is the custom to omit the hardest problems or passages of the text-book with the poorer sections. That the ratio of the attainments of the worst section to those of the best can be kept so high illustrates the efficiency of the means of compelling study which are in use at the Academy.

The Board of Visitors has been much impressed with the prominence which the merit-roll has in the minds of both teachers and cadets. It is an important function of the professors to teach the assistant instructors (who are constantly changing) how to "mark," and to watch the daily recitations of the cadets with a view to estimating accurately the true standing of each individual. The cadets are allowed to get their "marks" every week, and so to keep account of their own and each other's progress. Emulation is thus made constant and keen. Every cadet, therefore, whether a good scholar or bad, works under an intense external pressure.

The Board of Visitors feel some doubt as to the after effects of this system. The training given at West Point is but a good foundation, on which the young graduate must himself build, if he hopes to attain to any broad culture or any high professional skill. The visitors cannot but fear that the young graduate may miss the accustomed stimulus, and find nothing within himself to make good the loss of it. The fact that the permanent professors at West Point do not, as a rule, give instruction themselves, increases the difficulty now under discussion. Their time is mainly given to supervising the daily work of the assistant instructors, and hence it happens that the only experienced teachers at the Academy do not habitually and regularly instruct any portion of the cadets. Now, good teaching is largely a matter of personal skill and personal influence, and this skill and influence can very seldom be im-

parted to others by any amount of drilling. The cadets studying under this system have very little chance of catching inspiration from their teachers, and yet inspiration and enthusiasm are essential to any large success in any pure or applied science. The board regrets the practical diversion of the professors from the high function of daily teaching, but does not venture to give any advice concerning a remedy for this evil.

The board is not persuaded that the custom of making the ordinary recitations one hour and a half long, which has prevailed for many years at this Academy, is a wise one. The practice of the academic world is in favor of one-hour recitations. In Germany the ordinary length of a lecture is three-quarters of an hour. If the cadets attend closely during the hour and a half, the continuous strain is unreasonably long; if each attends only while he is himself at work, he wastes an hour or more during which he might be doing something profitable. The board is inclined to think that general experience would be a safe guide upon this point.

The visitors would suggest that the Academic Board might advantageously consider whether written examinations could not be substituted for oral throughout the Academy. The oral examinations which the board attended were rather exhibitions or specimens of recitations than examinations. The written examination applies the same test to all, and the written evidence of competency or incompetency remains behind. It is impossible to give much weight to a hasty oral examination, which, after all, is only a single recitation of five or ten minutes for each person examined. The very general adoption of the written mode of examination on all serious occasions, both in this country and Europe, seems to the Board of Visitors suggestive.

ADMINISTRATION.

The Board of Visitors took pains to inspect frequently and unexpectedly the cadets' mess. During their stay the mess-hall, kitchen, and store-rooms were neat and the food was good. The diet seemed judiciously selected, except in one respect, to which the board begs to call attention. The cadets are not allowed milk to drink. The board thinks that the cadets should be encouraged to use milk instead of strong tea and coffee, and advises that as much milk as they will consume be regularly provided morning and evening. In the opinion of the board, it is desirable that a more skillful cook and a better class of waiters should be employed for the mess.

The cadets' hospital seemed to the board entirely unsuitable—badly placed and badly constructed, and lacking light, ventilation, and drainage. The building would make good quarters for officers, which are much needed. The board recommends that a new hospital be built as soon as possible.

The houses on the western side of the plain, occupied by officers of the Academy, have no proper means of drainage. The board recommends that a sewer be constructed for them with a water-supply capable of keeping the sewer clean.

FISCAL AFFAIRS.

The Board of Visitors, through a committee of its number, examined the books and vouchers of the treasurer and quartermaster. The system of accounts is clear and comprehensive, so that the committee were

enabled readily to ascertain the amounts appropriated and the items of expenditure. The committee further examined the accounts kept by the treasurer with the cadets, and reported to the board that the accounts were kept with great care and with all necessary details.

The buildings and appointments of the Academy are adequate for a much larger number of cadets than are ever present. An increase in the number of cadets will therefore not entail a corresponding increase in the cost of maintaining the Academy. Under the new apportionment the size of the corps will be somewhat increased. The Board of Visitors believes that it would be for the interest of the country to have the Academy kept constantly full to the legal limit, and respectfully suggests that the Department use all means within its power to accomplish this end.

In conclusion, the visitors beg leave to say that they have attended to the duty imposed upon them with a satisfaction qualified only by a sense of the inadequacy of the inspection which they have been able to make, and of their unfitness for the task. A thorough inspection of a place of instruction can only be made when the regular work is going on. The annual visit to West Point is inevitably somewhat of a "show" occasion, when the ordinary routine of the Academy is interrupted. The members of the Board of Visitors received every facility and many courtesies from the officers of the Academy, for all of which they beg to return their sincere acknowledgments.

Their brief study of the institution has quickened their pride in its honorable past and their zeal for its improvement and growth in the future. Gratitude, pride, and prudence should all impel the nation to cherish the Military Academy at West Point.

H. T. REID, of Iowa,
President of the Board.
JAMES L. SCUDDER, of Tennessee,
Secretary of the Board.
CHARLES HODGE, of New Jersey.
CHARLES W. ELIOT, of Massachusetts.
GEORGE A. THRUSTON, of Maryland.
LOUIS S. LOVELL, of Michigan.
H. R. PIERSON, of New York.
SIMON CAMERON, of Pennsylvania.
ALEX. RAMSEY, of Minnesota.
WILLIAM L. STOUGHTON, of Michigan.
AARON A. SARGENT, of California.

Hon. WM. W. BELKNAP,
Secretary of War.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 15.

MEMORIAL OF CENTENNIAL COMMISSION.

MEMORIAL

OF THE

CENTENNIAL COMMISSION,

ASKING

Aid to carry into effect the proposed National Centennial Exposition.

DECEMBER 11, 1872.—Referred to the Select Committee on Centennial Exposition.

To the honorable the Senate and House of Representatives of the United States of America:

The memorial of the United States Centennial Commission, appointed under the act of Congress approved March 3, 1871, entitled "An act to provide for celebrating the one hundredth anniversary of American Independence," &c., &c., respectfully represents that, at its recent meeting in Philadelphia, it was ascertained by the reports of its members from various parts of the Union, that the people of their respective States had not furnished such material aid as is now required for the important work with which the Commission has been charged, and that the *pro rata* stock subscriptions, contemplated by the act approved June 1, 1872, cannot be made in time to enable the Commission to complete its preliminary arrangements for the proposed exhibition so that it may in all respects comport with the dignity of our Government, the character of its institutions, the growth of the nation, and the grandeur of the event which it is intended to commemorate. Your memorialists, therefore, respectfully and earnestly solicit such assistance from Congress as, in its judgment, may be required by the exigencies of the case, for those preparations now necessary to be made for carrying into effect the general wish of the country, "that the completion of the first century of its national existence shall be commemorated by an exhibition of its national resources and their development, and of its progress in

those arts which benefit mankind, in comparison with those of older nations;" and your memorialists will ever pray, &c.

JOHN L. CAMPBELL,
Commissioner for Indiana.
JNO. A. MARTIN,
Commissioner from Kansas.
JOSHUA NYE,
Commissioner from Maine.
GEO. B. LORING,
Massachusetts.
JAMES BIRNEY,
Michigan.
O. C. FRENCH,
Mississippi.
JOHN McNEIL,
Missouri.
O. CLEVELAND,
Of New Jersey.
J. M. ALBERTSON,
Of North Carolina.
A. T. GOSHORN,
Commissioner from Ohio.
A. J. DEEFUR,
Oregon.
D. J. MORRELL,
Commissioner of Pennsylvania.
SAMUEL POWELL,
Commissioner Substitute of Rhode Island.
WILLIAM F. PROSSER,
Commissioner Alternate of Tennessee.
OSCAR G. SAWYER,
Commissioner Alternate, Utah.

W. W. WOOD,
Commissioner from Virginia
ALEX. R. BOTELER,
Commissioner from West Virginia.
DAVID ATWOOD,
Commissioner from Wisconsin.
ROBERT H. LAMBORN,
Alternate Commissioner, Wyoming.
W. H. PARSONS,
Texas.
JOHN H. RODNEY,
Commissioner Alternate from Delaware.
LEWIS WALN SMITH,
Commissioner Alternate from Georgia.
W. M. BYRD,
Commissioner from Alabama.
E. W. GANTT,
Commissioner, Arkansas.
J. D. CRUGH,
Commissioner of California.
WM. P. BLAKE,
Commissioner Alternate, Connecticut.
S. L. SPINK,
Commissioner Alternate, Dakota.
I. T. BERNARD,
Commissioner Substitute, Florida.
THOMAS DONALD,
Commissioner, Idaho.
ROBERT LOWRY,
Commissioner from Iowa.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 16.

MILWAUKEE AND ROCK RIVER CANAL.

PETITION

OF THE

MILWAUKEE AND ROCK RIVER CANAL COMPANY,

PRAYING

For relief.

DECEMBER 16, 1872.—Referred to the Committee of Claims and ordered to be printed.

To the Senate and House of Representatives in Congress assembled:

The Milwaukee and Rock River Canal Company respectfully represent that, under public resolution No. 49, entitled "A resolution for the relief of the State of Wisconsin," approved July 1, 1864, (a copy of which is hereunto annexed, marked "Exhibit A,") and the settlement made thereunder, the amount of trust-funds arising from the sale of canal lands, found by the Commissioner of the General Land-Office to have come into the possession of the State of Wisconsin, was.. $156,789 77

The amount credited to that State, for sums by it properly paid out, "toward the cost of selling the land, and toward the construction of said canal," was..... 55,434 72

So that the balance of the trust-fund unexpended amounted to 101,355 05

which balance was, by such settlement, placed in the United States Treasury, and was the fund out of which said resolution directed this company to be allowed and paid all "such sums of money as have been *properly expended by said company* in the survey and location of said canal, in the construction thereof as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair," limited only by the amount of said balance, by the terms of the said resolution.

The amount actually allowed by said Commissioner to said company as trustee, and paid to it out of that trust-fund was..... $76,492 77

So that there remains of that trust-fund in the United States Treasury..... 24,862 28

Your petitioner further shows that several large items, claimed by this company upon such settlement, were disallowed by the Commis-

sioner; and among the items so rejected was at least one which, as your petitioner is advised and believes, should have been allowed, in order to carry out the plain intention of Congress, as expressed in said joint resolution, to wit, the amount ascertained by the Commissioner to have been paid out by this company, from time to time, for interest, $55,545.77.

Your petitioner is advised and believes that the last-named amount should have been allowed to it, and that this company should have been paid, on account thereof, the balance of said trust-fund, to wit, said sum of $24,862.28, in addition to what was paid to it, as aforesaid.

The only reason or ground on which the said item for moneys paid out for interest was rejected was this, in the language of the Commissioner, to wit:

"Disallowed, because interest forms no part of the cost of survey, location, construction, or management of any such public work, and is never charged in these accounts, the same being a liability of the company, not an expenditure upon the work. Its payment is not provided for by the resolution, and is against the policy of the Government and Congress, unless expressly provided for in the statute."

Your petitioner is well aware that it "is against the policy of the Government and Congress" to allow interest on unliquidated claims against the United States, unless expressly provided for in the statute, &c., but your petitioner is advised that this reason is inapplicable, and must have been given in haste, without a full and adequate comprehension of the nature of the case.

All the facts hereinbefore stated appear more fully in the reports of the said Commissioner, Nos. 18340 and 18341, of which true and certified copies are herewith submitted.

If the relations in which the parties—the United States and this company—stand, are considered, it is believed that no doubt can remain as to the justice, or as to the legality, under said joint resolution, of the demand herein preferred. The mistaken use of the word "*cost*," by the Commissioner, would seem to have led to confusion and error.

This is not the case of a settlement between the United States and the company, under a contract by the former to *purchase the works* of the latter, at the sum which shall be found to be equal to the *cost* of the same, or equal to the amount expended by the company, in constructing, repairing, and maintaining the same, or the like. In *such* a case, it might be urged with great force that sums paid by the company for interest, in procuring money to put into the work, should not be allowed, for the reason that they were not properly *put into* the work, because it would be properly only the amount which the company put in of its *own* moneys that could be considered, and it would be immaterial how the company obtained the money, by borrowing, selling property, or otherwise, and the Commissioner could not consider the losses of the company in obtaining the money.

But *this case* is altogether different. This is a settlement between *principal and agent;* and therein lies a material distinction. The United States is the donor or principal, and the company is the mere agent or trustee. All that the company has ever done in the matter of the canal, it has done simply as agent or trustee, with an agency or trusteeship coupled with an interest, to some extent, as a mere security; but, after all, it was an agent or trustee, and nothing more, and now this principal proceeds to settle with this agent.

The company did not build, maintain, repair, and manage the canal as its own absolute property in its own right, nor had it any power to

do so. By the terms of the charter, (territorial act, approved January 5, 1838,) re-enacted or confirmed by the act of Congress approved June 18, 1838, it was fully provided that the company should not build or hold the canal as its own property, but that it should surrender the same to the State on being re-imbursed the amount expended thereon, with interest. (See sec. 23 of charter, and sec. 9 of act of Congress.) Both the charter and the act of Congress confirming the same and granting the land are contained in the pamphlet herewith submitted, marked "Exhibit B," pages 22 and 60. By sec. 5 of the act of Congress granting the land this fund arising from the sale of the lands was expressly pledged to the company as a security for its outlay and interest. By sec. 8 of the charter, so confirmed by act of Congress as aforesaid, the company was *expressly "authorized to borrow any sum of money* which may [might] be necessary for the proper and efficient prosecution of the work authorized by this [said] act."

So the material facts are clearly shown. The company was a mere *agent or trustee*, authorized simply to build, repair, and maintain the canal, and hold it, *in trust;* to hand it over upon being re-imbursed principal and interest; having full and *express authority*, as such agent or trustee, *to borrow money* to promote the business of the trust and to pay interest. It is clearly in proof, and is not denied, that the company did borrow money, and did pay out altogether the sum above named for interest on moneys borrowed and used in building the canal. Now, Congress recognized this agency and trust, and the rights of the company as trustee, and resolved to settle with such trustee and agent, allowing to it credit as aforesaid for all sums by it "*properly expended*," &c.

It will be seen by reference to said act of Congress donating the land, (sec. 5 of the act of June 18, 1838, *ante*,) that these very moneys, to wit, the avails of the sales of these trust-lands, were expressly pledged to the re-imbursement of the company to the extent of the extinguishment of the claims of all other stockholders except the State.

Your petitioner submits that there can be no doubt that, in *such a settlement, between principal and agent*, where the agent has been charged with a certain business, *with express authority to borrow money and pay interest* in executing the trust or agency, the sums so actually paid out by the agent in good faith, pursuant to such authority, for interest on moneys borrowed to carry on the work, are moneys "properly expended" by the agent; and when, as in this case, the principal authorizes a settlement to be made with such agent, in which *credit shall be allowed to the agent for all sums by him properly expended about the business of the agency*, there is no room to doubt that sums so paid out by him for interest, *strictly pursuant to his authority*, should be allowed to him, as well as any other proper and justifiable expenditure. It will be seen that your petitioner is *not* now asking for interest on its investment in the work, (though it is advised that it was strictly entitled to that,) but simply for re-imbursement for sums actually paid out by it as agent, within the scope of its authority, about the business of the agency.

To render this clearer, let it be stated in another form:

The United States gave the canal lands to Wisconsin, in trust, to be sold, and the avails of sale to be applied in aid of the work of the company in building the canal. Wisconsin accepted the trust, and commenced to sell the lands and to apply the money. It was the clear and undisputed duty of Wisconsin to continue to so apply the money; and the company had a right to rely upon receiving the money to pay for the work as it went on. Relying on such money, the company

entered into contracts for certain work, and for the loan of money that was paid out for work on the canal. The work so contracted for was done, when Wisconsin, in violation of its trust, refused to pay over the money, and so the company, purely by the fault and breach of trust of Wisconsin, was left under a debt on which it was obliged to pay interest to a large amount, as aforesaid. Now, the unexpended portion of that trust-fund was, under said joint resolution of July 1, 1864, transferred from the treasury of Wisconsin to the Treasury of the United States; and, by the same resolution, a settlement is ordered to be made *between the company and that trust-fund*, and payment is directed to be made to the company of "all such sums of money as have been *properly expended by said company* in the survey and location of said canal, in the construction thereof as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair," so far as said remaining portion of said trust-fund would go.

So it is apparent—

1st. That this is not a petition for payment of interest on a claim against the United States.

2d. That this is not even a petition for payment of interest on what the company put into the canal work.

3d. That this is not properly a claim against the Treasury of the United States at all. It is a claim against the trust-fund arising from the sale of the canal lands, which fund was in possession of said State, but has been, by the consent of the company, transferred to the Treasury of the United States for administration. It is a claim of the company to be made good (out of that fund, so far as it will go) for moneys which the company was obliged to pay out for interest on the debt incurred in building the canal, which debt should have been paid in full out of the trust-fund at the time when the work was done. It is a very ordinary case in the law of trusts and trustees. The trustee refuses to apply the trust-fund which he has on hand in money in payment of a debt which ought to be paid by it; and interest accrues on that debt; and the simple question is, whether, on settlement between the trustee and *cestui que trust*, the latter is entitled to credit, as against the trust-fund, for the amount of such interest. The exact case is this: A holds a fund in trust to apply in payment of such debt as B shall incur in the building of a house. B incurs a debt to C in the course of that work, and A refuses to apply the trust-fund in payment thereof, whereby B is compelled to pay interest on that debt to C. The question is whether in a settlement between B and the trust-fund, B is entitled to credit for the amount which he was so compelled, by the bad conduct of the trustee, to pay. Here the company was compelled to pay interest by the refusal of Wisconsin, as trustee, to apply the fund to the payment of the debt, as ought to have been done.

It is not necessary to go into an inquiry as to the equitable rights of the company and Wisconsin as against each other. All such inquiries were intentionally cut short by the joint resolution. The company receives much less than its just claims. But it consents to accept as in full what the resolution gives. The resolution gives the company all such sums as it has "*properly expended*" about the canal, &c.; and the whole question is, whether this money paid for interest was "properly expended." It would seem clear that it was so. The company was fully empowered to run in debt and pay interest, and did so to promote the work. Besides, it was obliged to pay the aforesaid amount for interest by the refusal of the trustee to properly apply the trust-fund.

Your petitioner, therefore, prays that the intention of the resolution of July 1, 1864, may be carried out according to its true meaning; and that the remainder of said trust-fund, amounting to *twenty-four thousand eight hundred and sixty-two dollars and twenty-eight cents*, ($24,862.28,) may be appropriated and paid to this petitioner in full of all demands. Such further appropriation becomes necessary in order to give effect to the intention of Congress, for the reason that the said Commissioner was of opinion that the language of said former resolution was not explicit enough to warrant such allowance; and your petitioner will ever pray, &c.

Dated at Milwaukee, January 22, 1869.

EXHIBIT "A."

[Public Resolution—No. 49.]

A resolution for the relief of the State of Wisconsin.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Department of the Interior shall, in adjusting the amount due to the State of Wisconsin, under existing laws, as five per centum of the net proceeds of sales of the public lands within her limits, estimate and charge against her the value of the one hundred and twenty-five thousand four hundred and thirty-one and eighty-two one-hundredth acres of land granted to the Territory of Wisconsin to aid in the construction of the Milwaukee and Rock River Canal, which have been sold by said Territory or said State at one dollar and twenty-five cents per acre, and as much more as the Territory and State received upon the same upon the sales of any part thereof at a higher price, and shall credit said State with the amount that has been legally and properly applied by said State or Territory toward the cost of selling said land and toward the construction of said canal. And the said Secretary shall also settle and allow to the Milwaukee and Rock River Canal Company such sums of money as have been properly expended by said company in the survey and location of said canal, in the construction thereof, as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair; and the same shall be paid to the said canal company out of any money in the Treasury not otherwise appropriated, not exceeding in amount, however, the balance charged against the State of Wisconsin upon the sales of said canal lands, as above required, after deducting the sum allowed said State for money paid by her out of the same fund, the same to be received by said canal company in full payment and satisfaction of all claims of said company against the State of Wisconsin and of the United States on account of said canal land-grant, or on account of any action of the Territory or State of Wisconsin, or of the United States in relation thereto.

SEC. 2. *And be it further resolved*, That the Commissioner of the General Land Office be, and he is hereby, appointed commissioner to adjust the accounts herein provided for, under the supervision of the Secretary of the Interior, and to determine what sum shall be charged to said State of Wisconsin for the lands granted for the construction of said canal, and what sums shall be credited respectively to said State and said company for the moneys expended by them in the construction of said locks and canal, as herein provided.

Approved July 1, 1864.

39th Congress, 2d session.—House of Representatives.—Report No. 20.—To accompany S. Res. 102.

RELIEF OF THE STATE OF WISCONSIN.

FEBRUARY 15, 1867.—Ordered to be printed.

Mr. SLOAN, from the Committee of Claims, made the following report:

The Committee of Claims, to whom were referred Senate joint resolution No. 102, entitled "A resolution construing and giving effect to the joint resolution entitled 'A resolution for the relief of the State of Wisconsin,' approved July 1, 1864," and the memorial of the Milwaukee and Rock River Canal Company, with the accompanying papers, have had the same under consideration, and report:

That the only question proper or necessary to be considered is whether the said former resolution has been fully carried out according to the true intention of Congress as therein expressed. We think it has not. The Congress has heretofore more than once recognized said State as standing as trustee, and said company as *cestui que trust* or beneficiary, in relation to the canal lands, with the right to look to the same for re-imbursement of all that it put into the canal work. It was the obvious intention of said former resolution to recognize the duty of the United States to require said State to fulfill its equitable obligations to said company before the five per cent. fund should be paid over to the Wisconsin school-fund, and at the same time to waive any right of forfeiture which the United States might have as to the proceeds of the sales of the canal lands as against the company, and to permit said land-fund to be used in paying to said company all that it had an equitable right to demand as against the State, up to the limit of the residue of that fund; or, in other words, that the entire residue of this trust-fund, or so much thereof as should be necessary for that purpose, should be applied in payment to that company of all that it had properly expended about the canal business; and the only question that remains is, whether the moneys paid out by the company for interest on the moneys borrowed and used in constructing the canal were so "properly expended" within the meaning of the resolution. We have not now to consider whether the company was equitably entitled to relief either from the State or from the United States. It was decided by Congress, by the former resolution, that it was entitled to and should have the measure of relief therein provided.

Now, when we consider that the Territory stood as trustee of this land-fund, under obligation to pay it over to aid the company as the work progressed; that the company incurred the debt on which this interest was paid in just expectation that the Territory would apply the trust-fund to the payment thereof, and that it was solely by reason of the refusal of the Territory as such trustee to so apply the trust-fund in payment of that debt that the company was compelled to pay out the sums in question for interest on that debt, it is difficult to see how, in a just settlement between this trustee and *cestui que trust*, (the State and the company,) there can be any doubt about the duty of the trustee to re-imburse the *cestui que trust* or beneficiary the amount which it had been so compelled by the wrong action of the trustee to pay out for interest. How could the trustee be heard to say that such payments were not properly paid or expended? The case becomes still more palpable when we remember that both Congress and the territorial legislature originally induced this company to put in all the moneys

they did put in by the promise that the avails of the sale of these lands should constitute a fund, and be applied to the complete re-imbursement of the company of all it put in, with interest.

It is apparent that this is not in the nature of payment of interest on a claim against the Government, but simply requiring a trustee to pay interest out of the trust-fund where it is bound to do so by contract.

The committee therefore recommend concurrence in the Senate resolution directing re-imbursement of the amount so paid out, to the limit of the residue of the trust-fund.

JOINT RESOLUTION construing and giving effect to the joint resolution entitled "A resolution for the relief of the State of Wisconsin," approved July first, eighteen hundred and sixty-four.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the resolution entitled "A resolution for the relief of the State of Wisconsin," dated July first, eighteen hundred and sixty-four, be so construed as to entitle the Milwaukee and Rock River Canal Company to re-imbursement, out of the canal land-fund therein mentioned, for the amounts which are proved to have been paid out by it for interest in carrying on the work mentioned in said former resolution in the same manner as for other sums by it expended. Also for the amount which is proved to have been expended by it in necessary repairs and management of the canal after the date of said resolution, but before the date of the settlement made thereunder: *Provided only*, That said company shall not receive more than the amount of the residue of the trust-fund arising from the sale of the canal lands charged against said State in said settlement and not heretofore paid over to said company; and the Secretary of the Department of the Interior shall complete the settlement by making said further allowances to said company up to the amount of said residue of said canal lands fund, and the same shall be paid to said company out of any moneys in the Treasury not otherwise appropriated.

In the matter of the settlement made by the Commissioner of the General Land-Office, under joint resolution No. 49, approved July 1, 1864, entitled "A resolution for the relief of the State of Wisconsin," with the Milwaukee and Rock River Canal Company.

The resolution referred to recites that the Secretary shall settle and allow to the Milwaukee and Rock River Canal Company such sums of money as have been properly expended by said company in the survey and location of said canal, in the construction thereof as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair, and the same shall be paid to the said canal company out of any money in the Treasury not otherwise appropriated, not exceeding in amount, however, the balance charged against the State of Wisconsin upon the sales of said canal lands, as above required, after deducting the sum allowed said State for money paid by her out of the same fund.

Upon submitting the papers relating to the claim to the Commissioner of the General Land-Office, he decided that the amount of interest expended by the company in the management and keeping the said canal in repair did not form a part of the cost of survey, location, &c., and refused to allow the same to the company from the balance of the trust-fund arising from the sale of the canal lands, amounting to $24,862.28.

As the ruling of the Commissioner of the General Land-Office was in direct opposition to the provisions of the resolution referred to, which provides for the payment to the company of *all* sums which had been

expended in the management and in keeping the canal in repair, and contrary to the views of the committees of Congress, by whom the whole subject was fully investigated and the resolution framed, it having been shown to the committees that the canal company were authorized by the charter, (see section 8,) and which was confirmed by an act of Congress, to borrow any sum of money which might be necessary for the proper and efficient prosecution of the work, the canal company applied to Congress for the passage of a joint resolution construing and giving effect to the joint resolution entitled, "A resolution for the relief of the State of Wisconsin," approved July 1, 1864. (See petition herewith, marked A.)

The Committee on the Judiciary of the Senate promptly reported resolution No. 102, providing that the resolution approved July 1, 1864, shall be so construed as to entitle the Milwaukee and Rock River Canal Company to re-imbursement out of the canal land-fund therein mentioned, for the amounts which are proved to have been paid out by it for interest in carrying on the work; also for the amount expended by it in necessary repairs and management of the canal after the date of said resolution, but before the date of settlement thereunder, which joint resolution passed the Senate of the United States July 24, 1866. (See Exhibit B.) After its passage, the resolution was sent to the House of Representatives, and was referred to the Committee of Claims, who recognized the justice of the application, and favorably acted on the joint resolution, and reported the same to the House, with the report of the committee, on the 15th of February, 1867, (see Exhibit C,) and after having been read and voted upon, it was found there was not a quorum in the House, and the bill failed to become a law.

In view, therefore, of the construction given by both Houses of Congress, through their committees, as also by the passage of the resolution by the Senate of the United States as to what was intended should be received by the company, and what was required to be paid to it by the Commissioner of the General Land-Office in the settlement of its claim, it is respectfully asked that the question involved, viz, the construction to be placed on the resolution of July 1, 1864, be referred to the Attorney-General for opinion as to whether the amount claimed by the company for interest, and which was paid upon money borrowed by the company, agreeably to their charter, and by authority of Congress, and which money was expended in the management of the canal, should not be refunded to them.

The authority for the reference is in accordance with precedent, and conforms to the rulings of the Attorneys-General, who hold that while as a general rule a decision made upon a claim by the head of a Department cannot be disturbed by his successor, but where a claim has been referred by Congress to the head of a Department, and the Department gives such a construction to the statute as defeats the claim in whole or in part, and Congress afterward, by report of the appropriate committees or otherwise, indicates its opinion to be against the decision of the Department, the case may be opened, though a change in the meantime has taken place in the head of the Department. (See Opinions of Attorneys-General, volume 9, pages 387 and 388; also pages 422 and 423.

With great respect.

C

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 17.

JUDICIAL DISTRICTS IN INDIANA.

RESOLUTIONS

OF

THE LEGISLATURE OF INDIANA,

RELATIVE TO

Judicial districts in said State.

DECEMBER 16, 1872.—Referred to the Committee on the Judiciary and ordered to be printed.

JOINT RESOLUTION instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.

Whereas a bill is now pending in the Congress of the United States for the division of the district of Indiana into two judicial districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke, and Vermillion; and whereas the public interests do not require a new district in this State, as the amount of business is not greater than can readily be disposed of by the present judicial force, and the multiplication of districts greatly increases the expenses of the General Government and the burdens of the public; and whereas the proposed new district, so far as the great body of people within its limits is concerned, will occasion great inconvenience by compelling parties, witnesses, jurors, and counsel to travel a much greater distance than now by a circuitous route and at greatly increased expense: Therefore,

Be it resolved by the senate and house of representatives of the general assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress be requested, to oppose the passage of any such bill.

2. That the governor be requested to cause copies of this joint resolution to be certified to the said Senators and Representatives.

W. K. EDWARDS,
Speaker of the House of Representatives.
GEO. W. FRIEDLEY,
President of the Senate.

A true copy:

CONRAD BAKER,
Governor.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC No. 18.

JULIA A. NUTT.

[To accompany H. R. 3251.]

PETITION

OF

JULIA A. NUTT,

WIDOW AND EXECUTRIX OF HALLER NUTT, DECEASED.

DECEMBER 16, 1872.—Ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner would respectfully represent that she is the widow and executrix of the late Haller Nutt, deceased, formerly of Natchez, in the State of Mississippi; that as such she has heretofore presented to Congress claims for the value of property taken from her and her late husband by the Army of the United States, on two plantations known as Evergreen and Winter Quarters, situated on lake Saint Joseph, in the parish of Tensas, and State of Louisiana, as will more fully appear by the printed pamphlet hereto attached and made part of this memorial. That said claims, together with the papers and proofs accompanying the same, were referred to the commissioners on southern claims, and the same has been reported on in part, as your petitioner is informed; the jurisdiction of said commission extending to only a part of said claims.

Your petitioner further represents that by order of Lieutenant-General Grant, under date of October 30, 1865, a commission was appointed by Major-General J. W. Davidson, consisting of Captain J. W. Scully, quartermaster, United States Army, James Gillespie, and Thomas Bowie, to proceed to the premises and investigate the subject of this claim; and on January 20, 1866, said commission made a report, a correct copy of which will be found, commencing at page 4 of the annexed pamphlet; the original papers being on file with the commission on southern claims.

Your petitioner would further represent that, in consequence of these losses, caused by the Army of the United States, she and her children have been reduced from opulence and independence to poverty and distress; and that notwithstanding the well-known loyalty of her husband and herself to the Government of the United States throughout the whole war of the rebellion, no compensation has ever been made for such property taken as aforesaid.

For a more full statement of all the facts in the case, reference is made to the accompanying pamphlet, in which the papers, reports, and

evidence are correctly given, as also, at page 11, the indorsements of Lieutenant-General U. S. Grant recommending the payment.

Your petitioner therefore earnestly prays your honorable bodies to grant her an appropriation to pay for said property, and also to put said premises in as good order as when they were first occupied by the troops, and for such other and further relief as your petitioner may, in justice and good faith, be entitled to; and your petitioner will ever pray, &c.

JULIA A. NUTT.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 19.

IMPROVEMENT OF THE OHIO RIVER.

MEMORIAL

OF

THE BOARD OF COMMISSIONERS

APPOINTED BY

Certain governors, suggesting a method for the improvement of the Ohio River.

DECEMBER 16, 1872.—Referred to the Committee on Commerce and ordered to be printed.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, a board of commissioners for the improvement of the Ohio River, created by the joint action of the States of Pennsylvania, Ohio, West Virginia, Kentucky, Tennessee, Indiana, and Illinois, ask, in the name of these States, and in behalf of their people, that the Congress of the United States will, without delay, consider the question of the improvement of the Ohio River and its tributaries, not as a mere local question, as heretofore, but as one of great national importance, demanding the especial exercise of governmental powers to render it a great transportation highway for the nation, uncontrollable by corporations or combinations, and justifying, in view of the future of the country, large expenditures of money from the common revenues of the nation.

The alarm shown by European governments at the increase of immigration to this country; the fast approaching equalization of cost of labor in Europe and the United States; the facts that are being demonstrated as to the ultimate supremacy of this country in the production and supply of iron and its multiforms; the movements looking to the exportation of fuel and ores; the increasing agricultural products of the country, and the cheap distribution demanded by home as well as foreign consumption, present grave questions to the American statesman as to the governmental action that will in the fullest manner meet the future demands of the country for cheap transportation.

How far, under a republican form of government, Congress can dictate to private capital, embodied in railroad corporations, the recompense it may demand for the use of transportation facilities, or by subsidies sustain semi-governmental roads to the injury of private capital already

invested in transportation labors, is a question of grave importance, fraught with the seeds of much trouble.

There are, however, great natural transportation facilities over which the power of Congress cannot only be exercised without question, but upon which, it is clear, governmental power should be exerted to cheapen transportation by artificially improving the facilities nature has created.

In the millions expended by the Government under acts of Congress upon the sea-coast harbors, and upon the lakes, the right to use largely of the common revenues of the nation for sectional navigation improvements, where the ultimate benefits are national, is prejudged, and leaves no question as to equal expenditures upon the interior navigation of the country, which is so wide as to be national in itself, instead of sectional.

Important as is the improvement of the sea-coast harbors for the incoming and outgoing commerce of the nation, yet, in view of the rivers permeating the whole interior of the nation, creating a system of internal water communication unequaled in any nation of the earth, the sea-coast improvements become secondary in importance to those demanded by all the States through and along whose domains the fifteen thousand miles of navigable rivers flow.

In this unequal system of internal navigation, fourteen of the States of the nation are directly interested by reason of its waters permeating their territory; while, by reason of the powerful agent this internal river navigation can, under ample governmental expenditures, become for the cheapening of the cost for the transportation of agricultural and manufactured products, the interests of the population of all the States are greatly touched.

Of this great agent, under the proper action of the Government for the benefit of agriculture, the manufactures, the commerce, the people of the nation, the Ohio River and its tributaries, presents the navigation interests of one-half of the States directly interested, and one-fifth of all the States of the Union.

By the census of 1870 it appears that of a total population of 38,113,-213, these seven States, for which we speak, contained 13,592,129 inhabitants—over 35 per cent. of the entire population of the nation; while in the seven other States directly interested—Mississippi, Louisiana, Arkansas, Wisconsin, Minnesota, Iowa, and Missouri—there were 6,496,-771 inhabitants, or nearly 17 per cent. more. By the report of the Internal Revenue Commissioner for 1865, that being the year when that taxation was broadest in its levies upon the products and wealth of the nation, it is shown that of $183,118,804.06 of revenue collected, the seven States whose commissioners we are paid $62,555,139.89, or over 33 per cent. of the whole revenue thus obtained from the people. By the census of 1870, the value of the farming products in the United States was $2,447,160,721, of which these seven States of whom we speak produced $913,308,344, or over 40 per cent. of the whole; while the other seven States interested in the improvement of the western rivers produced $194,741,906, or over 20 per cent more. By the same State document it appears that the total value of lands in farms in the United States then was $11,132,662,983, and that in the seven States asking through your memorialists the improvement of the Ohio River, their value was $4,284,890,390, or over 40 per cent. of the whole; while in the other seven States in question, the value of the farming lands was $1,273,793,689, or over 10 per cent. more. By the same State paper, the value of the live stock then in the United States was $1,659,200,933, of which $674,769,758, or over 40 per cent., were in the seven States we represent; while in the other seven States their value was $323,608,808,

or nearly 20 per cent. more. In the same census the value of farm implements and machinery in the United States is given at $333,600,039, of which $122,489,481, or over 36 per cent., was in the seven States in whose name we memorialize your honorable body; and $70,919,867, or over 20 per cent., in the other seven States lying upon the great rivers of the Mississippi Valley.

Not only, then, is the improvement of the navigation of the Ohio River asked by *one-fifth* of the States of the nation, but it is asked by *one-third* of the whole population, who have heretofore paid *thirty-five* per cent. of the whole internal taxation of the nation, and borne a corresponding share in the liquidation of the national debt, and must by inference continue to do so until it is all paid. It is asked by those who raise *forty* per cent. of the farm-products of the country, own *forty* per cent. of the land in farms in the nation, *forty* per cent. of the live-stock, and *thirty-six* per cent. of the capital in farm implements and machinery in the United States. By the statistics here presented it appears also that seven other States, containing *seventeen* per cent. more of the whole population of the nation, who produce *twenty* per cent. of the farm-products of the country, contain *ten* per cent. of the farming-lands, *twenty* per cent. of the live-stock, *twenty* per cent. of the farm-machinery, are directly interested in the requests of the States whose commissioners we are, that the improvement of the navigation of the Ohio shall be taken up as a work of the first national magnitude and importance. The aggregate of those asking this proper, necessary, and wise action of the Government is therefore *one-half* of the whole population of the nation, who raise *sixty* per cent. of the whole farm-products of the country, own over *fifty* per cent. of the land in farms, *sixty* per cent. of the live-stock, and *one-half* of all the farming implements and machinery in the United States.

When such a clear one-half of the political force, the population, the wealth, the productive forces, the financial power of the nation, requires the improvement of the Ohio River and its tributaries, is it not the bounden duty of Congress to take such action, promptly, as shall meet this demand, and accomplish the work required?

It is not merely a question of to-day that is thus presented, but one impressed in all its bearings with the future wants of the nation, and as such to be taken up in the wisest spirit of statesmanship in the broadest national point of view.

Within the seven States whose commissioners we are lies the heart of the future mineral and manufacturing power of the nation, and upon their soil will be gathered the vast masses of workers who, under the power of the mineral facilities garnered there, will render this country in the future what England has been in the past. This is no glittering generality, but a thoughtful statement formed from the facts of manufacturing history, and based upon laws governing the use of fuel and the working of metals.

With 12,000 square miles of coal, Great Britain has in the past controlled the world with her manufactures. Within the seven States for whom we act there are 122,000 square miles of the same wealth-producing mineral.

Can there be any question as to the action of the government of Great Britain, were ten times the fuel-power of that which has been the foundation of her past political and present financial power awaiting development in her domains? and a necessary adjunct to its profitable development, the establishment of such a grand system of cheap transportation of fuel, minerals, food, and products from point to point, and to

markets, as is assured to the States we represent under a comprehensive and complete improvement of the Ohio and its tributaries. Should there be any question as to the action of this Government, asked as it is by all that forms one-half of the nation politically, financially, and productively?

In view of the past of Great Britain and other manufacturing powers there can arise no question as to whether upon the domains of the seven States most directly interested in the improvement of the Ohio and its tributaries there will gather an immense mechanical and mining population. Not only with them will arise the question of cheap freights for the transportation of their products, but also that question that becomes of more and more pressing importance as countries increase in mechanical, mercantile, and mining population—the question of cheap food.

In the progress of all nations issues arise touching the welfare of their people, and happy are the people whose rulers, legislating as statesmen, provide for foreshadowed issues ere they fully arise. Of the many issues that have in the United States awakened party strife, commercial disturbance, and national trouble, all are now either settled or rapidly adjusting themselves. Through much anger, through much sorrow, the country has assured to itself unity, and at a great cost learned its power as a nation. The governmental issues that will hereafter arise will therefore be those that tend to the enhancement of the power of the nation, the greater good and enrichment of the people.

The power of a nation lies in its population, its enrichment in the mineral and agricultural products of its soil. For the existence of the one and the production of the others the United States is grandly preeminent among the nations of the earth. So varied in topographical formation and in climate, so diverse in agricultural products, so comprehensive in mineral resources, the nation exists a world within itself, and already upon its soil some of the grandest actions for the advancement of the human race have transpired, and from out of its people have come scientific inventions and discoveries that spread benefits to all the earth.

The progress of the past fifty years in the development of the nation only foreshadows what will be its magnitude in the next fifty to come, when all the progressive forces of population and capital that have been in the past so steadily gathering power shall come fully into action.

For what a teeming population, for what a store-house of food, for what a workshop of mechanical productions the American statesmen of to-day are called upon to prepare for in the future, it needs only to analyze the statistics of the past fifty years and study the geological reports of the States to foresee.

To urge upon you to make one of those preparations for the nation's future; to meet one of those national issues which is already arising; to beseech of you to take up the improvement of the internal water transportation of the country on a scale commensurate with the wants of the nation yet to be, and in the spirit that led you to give millions to build the iron pathways across the continent, is the object of our memorial.

From the sea unto the sea spread the domains of these United States; from ocean to ocean dwell its people. Through its eastern and western gates pour the people of the earth, finding each, if they so choose, their own climate, the same or similar products of their own soil, and familiar occupations. He who holds the nations of the earth in His hand seems to have formed this land for the home of a people with whom the grandest fructification of Christian civilization should develop. In the heart of this grand domain; this wonderfully productive territory; this

store-house of a world's wealth that spreads even from the mountains unto the mountains; that rim in with their ribs of iron and of silver, of coal and of gold, the whole heart of the nation; mighty rivers, giving more than fifteen thousand miles of national water highways, await the skill of the engineer to bear a greater commerce upon their waters than the oceans that bound our shores.

To the development of a nation so powerful as this now is, and as its domains and its resources foretell it will become, the brain of the most sagacious rulers could not have devised a more complete and convenient system of artificial water communication with the whole interior than nature presents for man's perfecting hand; one better designed to favor the interchange of the products of all sections, or to carry those products to the markets of the world. In its absence the statesman might sigh in vain for its creation, and the people deplore, without relief, its want. In the face of its existence, when its great use now, and greater importance in years to come, is beyond argument, should there be any hesitancy on the part of the rulers of this nation to spend millions, if required, in rendering this internal system of navigation what it should be to furnish the cheap transportation the country now asks, and will hereafter demand, when if they had it not no sum would seem unproportionate to the benefits to be derived from its existence? Those benefits are not to be questioned, and the legislator who will balance the cost of the improvements now against the benefits present and to come, will fail to rank high in the history of this nation, or in the estimation of men.

The financial ability of the Government to expend the sums required is not to be doubted, in view of the millions expended upon the sea-coast and the lakes, given to the Pacific railways, and gathered yearly from the people for the payment of the national debt and the expenses of the nation. There comes in the affairs of nations a period when great progressive movements assert their claim to birth, and force their way to completion. The question of the improvement of the navigation of the Ohio and its tributaries has been often before Congress, but the limited sums that have been appropriated indicate that the importance of this commercial highway was but little understood, or that in the progress of events tending to the creation and development of this nation the day for the work had not arrived. It is true, in the past the nation had not awakened to its financial or governmental power, nor had the interior commerce of the Ohio and Mississippi Valleys and their population become so great, or their transportation demands so pressing. Now, however, we find, as before stated, these States of the Ohio Valley represent 35 per cent. of the population of the nation; that they produce 40 per cent. of the farm-products of the country, from 40 per cent. of the lands and farms in the United States lying within their borders. We know that their manufacturing field and resources are ten times that of Great Britain, and that cheap transportation of agricultural, mineral, and manufactured products will be one of the great future issues of these States, and is even now a pressing question.

By this population, this capital, this production, this future, the demand is now made that the Government of the United States shall give to the improvement of the navigation of the Ohio River and its tributaries that attention, and that money, the magnitude of the interests involved necessitate. How, or in what detail, this improvement is to be made, we make at this time no presentation. When the Government shall have provided the means, the skill of the Engineer Corps of the

United States will find a satisfactory plan beyond a doubt. The question is not one of engineering, but of finance.

It is not necessary that we should present to you statistics showing the economies of water transportation over that of land carriage; those are familiar to every business man, every legislator; nor is it necessary to deduce from such statistics how quickly the cost will be repaid from the cheapening of freights and the consequent lessening price of food, fuel, and material thus transported to the people. Not only is this question of cheap transportation becoming a pressing issue with the people, but also the question of increased transportation facilities. For the solution of both, the minds of all turn naturally to the improvement of the Ohio and its tributaries, and as naturally look to the Government to perform the work.

As to the sum to be appropriated ultimately for this national work, that must depend upon the plan adopted to accomplish the work. Various plans have been suggested by eminent engineers, varying in the cost of their construction from $17,000,000 to $60,000,000. Among these plans are embraced the slack-watering of the Ohio throughout its entire length, the supplying the required volume of water by aid of reservoirs, the maintaining the requisite navigation by low dams with open chutes.

Whatever may be the plan, it should be one that will fully accomplish the desire of the body of the people, and the necessities of the productive forces of the nation now and in the future.

The reservoir system is one that has been advocated by prominent engineers, but from the absence of Government surveys there is no precise data as to whether sites for the reservoirs can be found.

To the improvement of the Ohio by locks and dams, objections have been made, unless such dams can be constructed with open chutes, that will, during high water, from natural causes, allow free passage over the dams. For the perfecting of such a chute, we may state that governmental engineers have been laboring on models, drawings, and estimates. and it is thought with success. The practical working of such a chute could only, however, be tested in conjunction with the construction of a dam such as would be necessary to the improvement of the Ohio by a system of slack-watering. The construction of such a dam at or near Pittsburgh, for the purpose of overcoming some of the difficulties of navigation at that point, has been recommended by Colonel Merrill, of the United States Engineer Corps, in a report to General Humphreys, Engineer-in-Chief of the United States, on which, if constructed, experiments might be made with chutes. But for this dam no appropriation exists.

In view, then, of the undetermined form of a plan for the improvement of the Ohio and its tributaries, we would respectfully ask that, at your present session, surveys be ordered to be made at the head-waters of the Ohio and its tributaries by the engineers of the United States, to ascertain what reservoirs are capable of being constructed at the sources of the streams feeding the Ohio, and the practicability and cost thereof. We also ask that appropriations be made to defray the expense of such surveys, and also for the purpose of defraying the expense of the preparation and exemplification of a plan for the improvement of the Ohio River and its tributaries, which shall give a reliable and acceptable navigation of not less than six feet in the driest season; and also an appropriation for the construction of the dam referred to near Pittsburgh.

To defray the expenses for these surveys and constructions, and also to furnish the means to carry on the present system of improvement of

the Ohio already being pursued, including the establishment of the system of lights and buoys recommended by Government engineers, and to defray the cost of such other surveys of tributaries of the Ohio as may be needed, and to commence such work upon them as may be deemed by the engineers of the United States necessary, preparatory to the adoption of a general and permanent plan for the complete improvement of the Ohio and its tributaries, we would respectfully ask that you appropriate at your present session the sum of two millions of dollars.

J. K. MOORHEAD,
GEO. H. THURSTON,
JOSEPH WALTON,
THOMAS J. POWERS,
EDWARD BLANCHARD,
On behalf of the State of Pennsylvania.
TAOMAS SWEENEY,
CAPT. McCLURE,
W. T. POOLE,
J. S. KING,
J. P. HALE,
On behalf of the State of West Virginia.
JOS. DONIPHAN,
JOHN MEANS,
VINCENT SHINKLE,
Z. M. SHERLEY,
M. WEIL,
On behalf of the State of Kentucky.
V. B. HORTON,
ROBERT MARTIN,
BENJAMIN EGGLESTON,
THOMAS SHERLOCK,
J. G. PEEBLES,
On behalf of the State of Ohio.
O. P. COBB,
CHARLES H. MEEKIN,
J. A. LEMCKE,
CHARLES MASON,
LARZ NOBLE,
On behalf of the State of Indiana.
JOHN GILBERT,
ALFRED CUTTING,
CHARLES CARROLL,
JAS. FACKNEY,
W. P. HALLIDAY,
On behalf of the State of Illinois.
D. N. KENNEDAY,
A. G. ADAMS,
FRANK McCLUNG,
R. A. PINSON,
W. M. FARRINGTON,
On behalf of the State of Tennessee.

O

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 20.

UNITED STATES NORTHERN BOUNDARY.

[To accompany bill H. R. 3254.]

LETTER

FROM

THE SECRETARY OF STATE,

ADDRESSED TO

THE CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS,

REQUESTING

Appropriation for the completion of the survey of the boundaries between Great Britain and the United States.

DECEMBER 17, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF STATE,
Washington, December 12, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, and to inform you that your inquiries will receive immediate attention and reply.

I expect to be prepared in a few days to send you a draught of a bill, with estimates of the amount of money required to carry the work of surveying the Naro channel into effect.

I have taken steps to cause the draught of a bill contemplating the survey of the boundary-line between Alaska and the British possessions to be prepared, and have requested an estimate to be made of the appropriation that will be required.

I respectfully invite your attention to the inclosed copies of communications from Mr. Archibald Campbell, dated October 3 and November 13, which explains the necessities of the work under the northern boundary commission.

In the estimate for deficiencies for the fiscal year ending June 30, 1873, which was transmitted to the Treasury Department, I suggested, in accordance with Mr. Campbell's estimate, an appropriation of twenty-five thousand dollars to complete the service of the year, and in an estimate for the fiscal year ending June 30, 1874, I have suggested one hundred and twenty-five thousand dollars for the service of that year.

I understand that your inquiry in regard to an appropriation "to carry into effect the recommendations of the President to enable the commission between the United States and Mexico to resume their labors," relates to the labors of the Texan Frontier Commission, of which Thomas P. Robb is president. This commission was organized under the resolution of Congress, dated 7th of May last, and is the one referred to on page 8 of the President's message. A statement of the amount of money required to complete the service of the present fiscal year is appended. A statement of the amount asked for the service of the year ending June 30, 1874, may be found on page 56 of the Book of Estimates, (Ex. Doc. No. 5, House of Representatives, 42d Congress, 3d session.)

In relation to the subject of the last paragraph of your letter, I must ask your indulgence for a few days in making a reply. I will shortly endeavor to present some statements in connection therewith.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. N. P. BANKS,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

Inclosures.

1, 2. Letters of Archibald Campbell to Secretary of State, October 3, November 13.
3. Estimate of deficiencies for Texan Frontier Commission.

[Inclosure 1 to letter of Secretary of State, December 12, 1872.]

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Forty-ninth Parallel, Camp No. 1, *October* 3, 1872.

SIR: I have the honor to transmit herewith an estimate of the amount of funds that will be required to carry on the survey of the boundary-line during the ensuing year. It is probable that the amount of the present appropriation will be expended previously to the 1st of July next, in which event it will be necessary to make requisitions on the new appropriation before that time.

The estimate is made in accordance with the estimate of General Humphreys, as closely as practicable, with a due regard to economy, efficiency, and the completion of the work within or about the time specified by him. The working season in this latitude is short, and the larger the appropriation the more rapid and more economical will be its progress and completion.

I would respectfully call your attention to the suggestion of the chief astronomer in regard to a detail from the battalion of engineers as a means of facilitating and economizing the operations of the commission, as well as placing it upon a more equal footing with the British commission, which is accompanied by a detachment of engineer soldiers. In

passing through the country westward of this point we are liable to encounter hostile Indians before we complete the next season's work; and though we will doubtless be provided with a suitable escort for our protection, a detachment of engineer troops would add greatly to the strength as well as to the efficiency of the commission. If the Engineer Department could spare the number desired by the chief astronomer of the commission, it would be an admirable school of practice for them, as well as an advantage and economy to the commission.

I have the honor to be, very respectfully, your obedient servant,

ARCHIBALD CAMPBELL,
Commissioner Northern Boundary Survey.

Hon. HAMILTON FISH,
Secretary of State.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Camp No. 1, *September* 11, 1872.

SIR: In obedience to your request I have the honor to lay before you a programme for the work to be carried on in determining the 49th parallel during the season of 1873, and the probable cost thereof. During the present season it is probable that the line between the Red River and the Lake of the Woods will be accurately determined and marked. It is hoped that the boundary between the Red River and Pembina Mountain will also be determined. The work of next season will most probably commence at the point where the Pembina River crosses the boundary. For the operations of next season I will require the full annual estimate of force of the Chief of Engineers, with the addition of a botanist and geologist, guides, and scouts. The instruments now on hand, which were bought and used for the northwestern boundary survey, are much worn and unreliable, and new ones must be purchased in order that we may do as accurate work as the English party connected with the joint commission. If there could be a detail from the battalion of engineers of 40 good men and 8 non-commissioned officers, picked for the work, there would be a saving in expense of about $28,200 in pay and the cost of rations; the work would be much better done, and the necessary discipline in the Indian country would be more easily obtained. Indeed I earnestly hope that this recommendation may meet with your approbation and support. In all the previous boundary surveys, as well as the present, the English work a detail of royal engineers.

The estimate of probable cost of maintaining two astronomical parties and two surveying parties is as follows:

For two astronomical parties—

	Per year.
2 assistant astronomers, at $2,000 per year	$4,000 00
4 sub-assistants, two at $1,800 per year, and two at $1,200 per year	6,000 00
12 men, two at $75 per month, and ten at $45 per month	7,209 00
2 cooks, at $50 per month	1,200 00
6 teamsters, at $45 per month	3,240 00
4 mess-men, at $45 per month	2,160 00
Subsistence of 30 men, at 75 cents per day	8,212 50
Forage	3,528 00
New instruments and repairs of old	5,600 00
	41,140 50

For two surveying parties—

	Per year.
2 assistant surgeons, at $1,800 per year	$3,600 00
2 assistant surgeons, at $1,200 per year	2,400 00
20 men, sixteen at $45 per month, and four at $75 per month	12,240 00
2 cooks, at $50 per month	1,200 00
4 mess-men, at $45 per month	2,160 00
4 teamsters, at $45 per month	2,160 00
Subsistence of 34 men, at 75 cents per day	9,307 50
Forage	1,764 00
New instruments	1,150 00
	35,981 50

Summary.

	Per year.
1 chief astronomer	$3,000 00
1 botanist and geologist	2,000 00
1 surgeon	2,000 00
1 quartermaster and commissary	2,000 00
1 clerk to same	900 00
1 hospital steward, at $75 per month	900 00
Subsistence of 6 men, at 75 cents per day	1,642 50
1 wagon-master, at $100 per month	1,200 00
1 wagon-master, at $75 per month	900 00
2 astronomical parties	41,140 50
2 surveying parties	35,981 50
Contingencies, fuel, office-rent, &c	2,188 00
Guides and scouts	9,150 00
Transportation of supplies from depots	10,156 93
	113,159 43

If the same number of officers now detailed be retained, the above amount will be reduced by $6,591. If engineer troops be detailed an additional reduction will be made of $28,200, making a total reduction of $34,791.

I have the honor to remain, very respectfully, your obedient servant,

F. U. FARQUHAR,
Major United States Engineers,
Chief Assistant and Surveyor, Northern Boundary Survey.

ARCHIBALD CAMPBELL,
United States Commissioner, Northern Boundary Survey.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Camp No. 1, Forty-ninth Parallel, October 3, 1872.

Estimates of funds required for the northern boundary commission for the fiscal year ending June 30, 1873.

Pay of commissioner per annum	$4,000 00
Commutation of personal expenses of commissioner for the fiscal year ending June 30, 1873	2,190 00
Commutation of personal expenses of commissioner for the year ending June 30, 1874	2,190 00
Pay of secretary, per annum	2,000 00
Pay of clerk, per annum	1,500 00
One cook, at $50 per month	600 00
Two mess-men, at $45 per month each	1,080 00
Subsistence of 5 persons, at 75 cents per day	1,368 37

Estimate of the chief astronomer	$113,159 43
Contingencies	3,503 20
Deduct for detail of four engineer officers	6,591 00
Total estimate	125,000 00
If engineer troops be detailed an additional reduction will be made of	28,200 00
Reduced estimate	96,800 00

Respectfully submitted.

ARCHIBALD CAMPBELL,
Commissioner Northern Boundary Survey.

[Inclosure 3 to letter of Secretary of State, December 12, 1872.]

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Fort Abercrombie, Dakota Territory, November 13, 1872.

SIR: Referring to my letter to the Department, dated Fort Pembina, 7th instant, I find, in my haste to dispatch it, that I omitted to state the date upon which the present appropriation would be exhausted. I have now the honor to inform you that, as nearly as I can estimate, the present appropriation will be exhausted by the close of February next, and that if the new appropriation can be made available upon the adjournment of Congress, $25,000 therefrom will be required to complete the service of the current fiscal year.

I have the honor to be, very respectfully, your obedient servant,

ARCHIBALD CAMPBELL,
Commissioner Northern Boundary Survey.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure 3 to letter of Secretary of State, December 12, 1872.]

Texas frontier commission.

For completion of the service of the current fiscal year, three commissioners, at $2,630 each; two hundred and sixty-three days, at $10 per diem	$7,890
Traveling expenses for balance of fiscal year, $800 each	2,400
Salary of a secretary for balance of fiscal year, at $2,500 per annum	1,800
Salary of a translator for balance of fiscal year, at $2,500 per annum	1,800
Contingent expenses, stationery, lights, &c	1,110
Total	15,000

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 21.

TO AMEND POSTAL CODE.

LETTER

FROM

THE POSTMASTER GENERAL,

TO THE

CHAIRMAN OF THE COMMITTEE ON THE POST-OFFICE AND POST-ROADS,

CONCERNING

House bill No. 3006.

DECEMBER 17, 1872.—Referred to the Committee on the Post-Office and Post-Roads and ordered to be printed.

POST-OFFICE DEPARTMENT, APPOINTMENT OFFICE.
Washington, D. C., December 17, 1872.

SIR: The attention of this Department has been called to a bill introduced in the House of Representatives, on the 3d instant, (H. R. 3006,) by the Hon. Mr. Porter, of Virginia, entitled "A bill to explain sections one hundred and fifty, one hundred and fifty-one, and one hundred and fifty-two, of an act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June eighth, eighteen hundred and seventy-two," and which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the true intent and meaning of sections one hundred and fifty, one hundred and fifty-one, and one hundred and fifty-two of said act are, that where one full rate of postage has been prepaid, as required by law, it shall be forwarded to its destination, charged with the unpaid rate to be collected on delivery, and that no double rate of postage shall be collected where such partial prepayment has been made.

In my judgment, this legislation is not called for as a remedy for any real grievance, and although, if adopted, it might serve certain interests, I am confident it would be the source of embarrassment and loss to this Department, and thereby prove prejudicial to the public interests.

This bill proposes to give an interpretation to a certain portion of the act approved June 8, 1872, known as the postal code, in conflict with the construction thereof which I felt constrained to make, after careful consideration of the law, in the view of all the facts, viz, that double the prepaid rates on the unpaid portion of such mail-matter should be charged and collected at the office of delivery.

This construction I hold to be fully warranted by the terms of the

law, as well as imperatively demanded by the exigencies of the postal service of the country.

Let us examine the grounds on which the interpretation of the Department is based. Sections 150, 151, and 152 of the act referred to in the bill are as follows:

SEC. 150. That postage on all mail-matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for.

SEC. 151. That all mail-matter deposited for mailing, on which at least one full rate of postage has been paid as required by law, shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery.

SEC. 152. That if any mail-matter on which by law the postage is required to be prepaid at the mailing office shall, by inadvertence, reach its destination without such prepayment, double the prepaid rates shall be charged and collected on delivery.

These sections constitute that part of the new postal code which lays down the general principles regulating the payment of postage on matter deposited in the mails, and should be considered together as parts of a whole, prescribing, first, the general rule; secondly, where exceptions may be made thereto; and, thirdly, the conditions on which such exceptions may be made. Section 150 enacts the fundamental law that postage must be *prepaid by stamps* at the mailing office, with a proviso added in the words, "unless herein otherwise provided for," covering regular printed matter and free matter, for which provision is made in subsequent sections of the act.

I term prepayment by stamps the fundamental law, because, in my opinion, this is the most important principle of the modern postal system, inasmuch as by its adoption and enforcement the cheap postage of the present time has been made possible without entailing heavy taxation to secure and maintain it. That Congress in the act under consideration did not intend to abandon this principle is clear, not only from the language of section 150, but from the fact that, in section 186 of the law, it is again fully and broadly re-asserted in the words following, to wit: "That all mail-matter not hereinbefore *specially* made free *must* be *prepaid* by postage-stamps;" language which, if considered by itself, without reference to other parts of the same act, would forbid the transmission by mail of any matter not prepaid by stamps other than franked matter. Taken in connection with section 150 it unquestionably affirms, in the strongest possible terms, the general rule of prepayment by stamps.

In construing sections 151 and 152 we should first consider the object had in view, viz, to provide for cases of accidental omission on the part of the sender to put the requisite stamps on his mail-matter before depositing it in the mail; and, also, for the comparatively few instances where mail-matter which properly should have been sent to the dead-letter office is, by oversight, sent to the office of delivery. The postal act of 3d March, 1863, (the basis of the present code,) 12 Statutes, 702, directed in section 85 thereof that "if any matter on which, by law, the postage is required to be prepaid at the mailing office, shall reach its destination without such prepayment, double the prepaid rates shall be charged and collected on delivery," and section 86 of the same act authorized the Postmaster-General "to provide by uniform regulation for transmitting * * * letters which from accident or neglect appear to have been deposited for mailing without prepayment of postage, where * * *. the writer is not known, or cannot be promptly advised of his default," and directs "that the same shall be charged with double rates of postage, to be collected on delivery."

In some instances only partial prepayment would be made, and, as this law did not expressly provide for such cases, doubts would arise as to the proper disposition to be made of such matter. The Department,

by regulation, directed that when such partially prepaid matter reached its destination the unpaid postage should be charged at double rates.

Section 1, of act of 3d March, 1865, entitled "An act relating to postal laws," provided that "all letters deposited for mailing, paid only in part, shall be forwarded to destination, charged with the unpaid rate, to be collected on delivery." The phrase "paid only in part" was indefinite and ambiguous. To admit that the affixing of a one or a two cent stamp to a letter requiring a three-cent stamp, was a compliance with the law, would have caused great complication of accounts, and entailed burdens and annoyances on the postal agents out of all proportion to any claim of the parties at fault to be saved from the consequences of their ignorance or neglect. Consequently the Department, in interpreting this language, limited its operation to cases where one full postage-rate had been prepaid, treating as null any less payment. Section 151, of the present code, has given legal sanction to this construction and rid the previous act of any ambiguity on this point. We thus see the end sought was to provide correctives for errors arising from ignorance and inadvertence; but only to provide for them on such conditions as would probably indemnify the Department against loss from the exceptional deviations from the rule of prepayment, and be, to the public, by the penalty attached, a constant corrective of any disposition to abuse the privilege.

Section 151, therefore, so far, and only so far, waives the strict application of the fundamental rule as to provide that when one full rate of postage is prepaid the mail-matter *shall* be forwarded, but with the condition that it shall be charged with the *unpaid* rate, to be collected on delivery. Now, what is the meaning of the phrase "unpaid rate?" The law does not say *unpaid postage* or *deficient postage*, but *unpaid rate.* A reference to the various sections of the act itself, viz, 156, 157, 158, *et passim*, in which the word "rate" occurs, either in the singular or plural, shows that it is not therein used as synonymous with postage, but in its ordinary meaning of a comparative or relative standard of values. When, in addition, we recur to the terms of the previous acts, on which this is founded, we are led to the conclusion, I might say legitimately and irresistibly, that the law under consideration contemplates two rates of postage, one the prepaid, the other the unpaid rate. Section 152 defines this rate to be double the prepaid rate, agreeing therein with the provisions of the act of 3d March, 1863, before cited.

Against this conclusion can it be held that the words "by inadvertence," in section 152, are properly applicable only to matter wholly unpaid, and by the mistake of a postal agent forwarded to its address, instead of to the dead-letter office, as required by section 195? I think not. Any failure to properly prepay postage is presumptively done "by inadvertence," as well as the mistake of the postal agent in missending. The law at present does indeed no longer leave the decision of the fact of inadvertence to the discretion of postmasters, as did the act of 1863, but I think does not therefore mean to encourage intentional deviations from the rule of prepayment. I hold that these words, "by inadvertence," properly, and indeed mainly, refer to section 151, and apply to all matter on which the proper postage has not been prepaid at the mailing office, but which has, nevertheless, been forwarded to its destination.

If the application of this section 152 be limited to matter forwarded by mistake, wholly unpaid, and the conclusion drawn that such matter only is made subject to double rates of postage on delivery, we should have on the one hand the absurdity of imposing a penalty of double postage where a postal agent was at fault, but imposing no penalty

where mail-matter is intentionally unpaid at mailing-office; and, on the other hand, that of imposing upon the postal service additional labors, expenses, and risks of loss of revenue, caused by the acts of others, without any compensating advantages to it—in both cases visiting the penalty upon the innocent party instead of the guilty.

Again, if this view be correct, we shall also have in the law the self-contradiction that it nullifies in fact the operation of its fundamental principle in this matter of postage-payment, viz: That it should be prepaid, in that it affords opportunities, not to say encouragement, to any one so disposed, to evade, or even refuse compliance with this rule of prepayment, without attaching any penalty, even the slightest, direct or indirect, to such evasion or refusal.

Believing, as before stated, that to the principle of prepayment we are largely indebted for the present cheap postal service, I regard the steady enforcement of this principle as vitally important to the maintenance of our present gratifying position, and to progressive advancement toward even lower postal rates. If this principle be abandoned, and a virtual return, even though partial, to the non-prepayment system be effected and encouraged, as would be done by the bill under consideration, the inevitable result, in my judgment, would be to largely increase the expenses of the service and to diminish the revenues of the Department.

To be more specific, the result would be—

First, a vast increase in the amount of mail-matter only partially prepaid, since all inducement to do so would be removed by the fact that no penalty would follow the failure to prepay by stamps; and as resulting therefrom—

Secondly. A great increase in the quantity of matter refused by the parties addressed, because of its not being fully prepaid, which would then have to be sent to the dead-letter office at the further expense of the Department.

Thirdly. A large increase in the cost of clerical service both in the post-offices of the country and also in the Department, especially in the dead-letter office and the Sixth Auditor's office; because (*a*) it would be necessary at the mailing-office to keep an account of such matter sent off, and to make out post-bills of the same; and (*b*) at the office of delivery a corresponding account must be kept, the money, if paid, received and entered and duly reported to the Auditor, in whose office (*c*) these accounts must be compared, checked off, and properly entered, all of which additional labor and consequent expense are unnecessary when postage is prepaid by stamps affixed at mailing.

Fourthly. Loss of revenue will result, not only because of the refusal to receive unpaid mail-matter, but also from the carelessness, neglect, and failure of postmasters, or their clerks, to properly collect or to account for such unpaid postage when collected by them. It must be collected in money, and the Department cannot apply the checks so completely furnished by stamps which are charged to the account of postmasters directly at the Department. The present methods and results of collecting postage on regular newspapers at office of delivery will exemplify the force of the objections to offering any inducements to increase the quantity of mail-matter not prepaid by stamps. It has become an axiom with postal officials, best able to judge, that the Government fails to receive a very large share of the postage properly collectible on this matter. The small amount received from this source is very striking, when compared with the vast amount of such matter passing through the mails.

Fifthly. Another inevitable result would be delay in sending off and delay in the delivery of mail-matter, arising from the necessity of keep-

ing the accounts and collecting the money as above stated. The loss to the Department resulting from the adoption of the legislation proposed, as estimated from the best information at hand, would amount to one million of dollars annually.

Respectfully, yours,

JNO. A. J. CRESWELL,
Postmaster-General.

CHAIRMAN COMMITTEE ON THE
POST-OFFICE AND POST-ROADS,
House of Representatives.

MEMORANDUM.

All letters on which postage is due and unpaid must be rated at the mailing office. If mailed DIRECT to office of destination they must be post-billed and the bill then entered on the account of *mails sent.* If, however, the letters are to pass through a distributing post-office or a railway post-office, no bill is sent with them; but if these offices send direct they must make out the post-bill and keep the account of *mails sent.*

The postmaster at the receiving office must carefully examine unpaid letters received, comparing the charges on the bill, weigh the letters to ascertain that the charges are correct, and, if found so, enter the bills on his account of *mails received.*

The aggregate of the account of mails received being postage payable in money, must be carried to the quarterly account-current. The sheets of account (mails received) and the post-bills are sent to the Auditor at the close of each quarter as part of the quarterly account.

Should the receiving postmaster find errors in rating the letters he must correct them and make an explanatory note on the bill. If they are charged too high, he makes an entry in the account of OVER-charges of the amount; or if too low, the entry is made in the account of UNDER-charges. These entries also form part of the account-current as a credit or debit for the postmaster.

If a postmaster at an office of *delivery* finds matter in his office not rated up, but which manifestly should be, he must rate it up properly before delivery, and charge himself in the *under*-charge account.

Now, if a postmaster is disposed to be *dishonest* he can very readily make entries every day in his OVER-charge account, or omit to make them in his UNDER-charge account, and as he collects the postage due, his *cash* will always show a surplus at the end of the quarter, which he can take as a perquisite, he being accountable only for the amount of postage entered in the account-current taken from sheets kept solely by himself. This perhaps may not be done at small offices, but at the larger ones, where the postmaster must trust to clerks, it is impossible for him to know as to their correctness, although he swears that the account comprises everything that has been collected or that could by due diligence have been collected.

The system of unpaid charges entails another labor on a postmaster at the close of each quarter. He being accountable for all such matter received as *cash* must carefully examine every letter remaining on hand

to see how much is due thereon so that he can make a credit entry in the account. It also involves the same labor in making up his returns of dead-letters. If he does not do this he will have to *pay* the Department for everything charged against him although such matter may have been unclaimed and sent to the dead-letter office.

POST-OFFICE DEPARTMENT, APPOINTMENT OFFICE,
Washington, D. C., ———, 187–.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 22.

NIAGARA SHIP-CANAL.

MEMORIAL AND REPORT

OF THE

EXECUTIVE COMMITTEE OF THE DETROIT COMMERCIAL CONVENTION,

HELD AT

The city of Detroit, Michigan, on the 13th day of December, 1871, in relation to the Niagara Falls ship-canal.

DECEMBER 18, 1872.—Ordered to be printed and recommitted to the Committee on Commerce.

Mr. CONGER, from the Committee on Commerce, reported the following memorial of the Detroit commercial convention relative to the Niagara ship-canal:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, the executive committee appointed by the Detroit commercial convention held at Detroit, in the State of Michigan, on the 13th day of December, A. D. 1871, would respectfully state that said convention assembled in pursuance of a call from city councils, chambers of commerce, boards of trade, and other like bodies, in most of the principal cities and commercial centers in all the Northern States, both West and East, and was composed, in large numbers, of business, commercial, and other representative men from all parts of the country. The object of the convention was to devise some plan for the speedy construction of a ship-canal, of large capacity, around the falls of Niagara, on the American side thereof, and thereby to inaugurate a system of cheap transportation between the grain-fields of the West and the eastern and European markets, and also to facilitate and cheapen commercial and other business intercourse between the different sections of our country.

The corresponding secretary of the executive committee, who issued the call for the Detroit commercial convention of 1871, in calling the convention to order, said:

We are assembled here, from different parts of the country, to deliberate upon one of the most important questions that is now or probably ever will come before the American people. We are here from the East, from the West, and from the center of this great country, for the purpose of devising some plan by which we can facilitate, and thereby cheapen, transportation between the two sections of the country; and I

am rejoiced to see representative men here from the far East and from the far West, from the center, and almost from the circumference, of the Union. It shows that there is a deep and determined purpose among the people to secure greater facilities and cheaper rates of transportation. There are representatives here from at least twenty millions of people. There are fifteen millions residing west of Lake Erie, and north of the Ohio River, who are represented here; and that people all speak with one voice, and express but one sentiment. They have all decided and determined that the West must have increased means and facilities for transportation between the grain-fields of the vast and fertile regions lying west of the great lakes and the Atlantic sea-board. It is to devise some plan to secure that result that we are assembled here to-day. I hope, and most sincerely trust, that our deliberations and our action will have a tendency, at least, speedily to secure that result.

After the full organization of the convention, his excellency Governor Baldwin, of Michigan, delivered the following address of welcome:

GENTLEMEN OF THE CONVENTION: It is a pleasure to me to welcome you to our city and State. The time is not far distant when Detroit and Michigan were looked upon as far off toward the setting sun—at the far west—but that time has passed away forever.

Our city and State, where you are now assembled, may be classed as occupying an important position as the gateway between the great East and the great and growing West. We live in an age and in a country of progress. Less than a century, or three generations of men, has passed away since the Government under which we live was organized. During this period we have not been exempt from the common lot of nations; several times engaged in open conflict with other nations, and but very recently in a prolonged internal strife, such as has never before befallen a civilized people. An overruling Providence has been with us; so that we have not only successfully maintained a republican government, but have steadily gone forward, deepening the foundations and strengthening the principles of a government from the people and for the people, under which the country has grown and prospered as has no other country upon the face of the globe.

During the first seventy years of our history as an independent government, from 1790 to 1860, the increase of the population of the country was about 35 per cent. for each of the seven decades; and during the last ten years, notwithstanding the four years of civil war, the population was augmented 22 per cent. So steady and so marked has been the progress of the United States that the peoples and the governments of the Old World, far beyond the Atlantic, look at its rapid development and growth with wonder and amazement. While they see in us the youngest of the family of nations, they cannot but assign to the Government of the United States the foremost rank in influence, position, and power.

The completion of the Erie Canal, in 1825, providing water-communication from the great lakes to the Atlantic, was the beginning of a new era in the history and advancement of our country. Up to that period the great West was almost an unknown land. Although a small steamer appeared on the upper lakes as early as 1819, the first steamer was seen on Lake Michigan in 1826, the year after the opening of the Erie Canal; but it was not until 1832 that a steamer visited Chicago. Just thirty years after the completion of the Erie Canal another great work was completed, the Saint Mary's Falls Ship-Canal, furnishing a most important highway from the Northwest to the lower lakes. So great has been the growth of the commerce of Lake Superior, and so wonderful is its promise for the future, that the capacity of this canal is at the present time being doubled.

It is quite unnecessary at this time to attempt to notice in detail the wonderful increase of population and products in that portion of the West which finds its natural outlet to the sea-board by way of the lakes. The entire population of the vast extent of territory now embraced within the thirteen States and eight Territories west of the thirty-first degree of west longitude, and north of the thirty-sixth degree of north latitude, in 1830 was but 1,610,473. The same territory had, in 1870, a population of 13,867,861, an increase of 806 per cent., while the remaining portion of the Union increased but 202 per cent.

When we scan the past, and bring to mind the hardships and self-denials of the early settlers, the obstacles overcome by them, the want of facilities, and the heavy cost in reaching a market for their products, then, turning to the present, behold on every hand railroads stretching out their iron arms in every direction, traversing the continent to the Pacific coast, and, not content with present advantages, observe the construction, with accelerated pace, of new lines, north and south, east and west, to the limits of the continent, we may safely assert that the development of this vast region has just begun.

The want of adequate acilities for reaching the sea-board with the products of the West is already felt to a very serious extent, and perhaps no other one thing will have

so important a bearing upon the future of the Northwest as that of providing reliable, cheap steam-transportation to the Atlantic coast.

That the rapid growth of the population and products of the Northwest, and the consequent increase of the commerce of the lakes, will soon render the construction of a ship-canal of large capacity around the falls of Niagara, on the American side, a necessity, would seem to admit of little doubt.

To consider and devise the best means of supplying adequate cheap steam-transportation to the Atlantic has brought you together. The subject is one of vital importance, and may well demand the most earnest, the most elaborate, and the wisest counsels of thoughtful minds.

I trust that the deliberations and discussions of this convention will so awaken the public mind to its importance as to result in the accomplishment of the end so necessary for the future prosperity of our country.

The convention unanimously adopted the following preamble and resolutions, to wit:

Whereas this convention is deeply impressed with this central thought, to wit, that the true prosperity of any nation can only be found in the greatest prosperity of its individual members and the various commercial and internal relations between the different States: Therefore,

Resolved, That, in the opinion of this convention, the General Government at Washington should at once adopt a liberal policy as to intercommunication between the West and tide-water by the great lakes and the rivers leading to and from the centers of the States lying adjacent thereto.

Resolved, That, in the opinion of this convention, the construction of the Niagara Falls ship-canal is of great national importance; and Representatives in Congress are requested to do all in their power to procure an appropriation for that purpose.

Resolved, That one or more water-routes, by which the steamboats of the Mississippi can reach the harbors and unload into the vessels of the great lakes, are of such importance to so many States, East and West, as to have become a matter of national importance.

Resolved, That the legislature of the State of New York be requested to grant permission to the General Government to enter upon its territory for the purpose of surveying and constructing the Niagara ship-canal.

Resolved, That a copy of these resolutions, duly authenticated, be forwarded to the President of the United States and to each member of Congress.

LUCIUS FAIRCHILDS, *President*.

WILLIAM WILMOT, of Michigan,
J. POTTS BROWN, of Minnesota,
Secretaries.

On motion, the following gentlemen were appointed by the president of the convention an executive committee, to adopt such measures as they might deem necessary and advisable to bring this question of a ship canal around the falls of Niagara, on the American side thereof, to the consideration of Congress, and also to press upon that body the great importance, indeed imperative necessity, that it should adopt such measures as may be necessary to secure the speedy construction of that work:

Lewis A. Thomas, of Iowa, chairman.

Charles Randolph, of Illinois; John Burt, of Michigan; Daniel G. Fort and George I. Post, of New York; T. C. Hersey, of Maine; J. H. Gray, District of Columbia; C. D. Robinson, of Wisconsin; Ralph P. Buckland, of Ohio, executive committee.

At a previous commercial convention, held at the same place on the 11th, 12th, 13th, and 14th days of July, 1865, to take into consideration the same subject, the following resolutions, among others, were adopted, to wit:

NIAGARA SHIP-CANAL.

Whereas the annual increase of the productions of the States bordering upon and tributary to the northern lakes has exceeded the capacity of transportation of all the avenues to the Atlantic, demonstrating the urgent necessity of enlarged water facilities for communication between the West and East; and

Whereas the canals and various lines of railroads leading to and from said lakes,

while they have contributed vastly to develop the resources, increase the wealth, and promote the permanent union of our whole country, are wholly inadequate to the demands of the immense and rapidly growing commerce of our country: Therefore,

1st. *Resolved*, That this convention regard the construction of a ship-canal around the falls of Niagara as a national work of great commercial importance, alike demanded by the necessities of commerce and political wisdom, and that its early completion by the General Government is required by every consideration of sound political economy.

2d. *Resolved*, That such a canal, of a capacity to pass the largest steam or sail vessels which now or hereafter may navigate the lakes, will afford the cheapest and most expeditious water communication for the transportation of the products of the great producing States of the West and Northwest, by bringing into use the most easterly of the entire chain of lakes on our northern frontier, from which these annually increasing products may be distributed by short enlarged canals and by railway to the Hudson and New York, also into New England and Pennsylvania, and by the Saint Lawrence River direct to the ocean.

* * * * * * *

Adopted July 13, 1865.

HIRAM WALBRIDGE, New York,
President of the Convention.

WILLIAM LACY, New York,
RAY HADDOCK, Michigan,
ADAM BROWN, Canada,
Secretaries.

(Proceedings of the Commercial Convention held at Detroit, Michigan, July 11th, 12th, 13th, and 14th, 1865; page 96.)

We have thus copied entire the resolutions of that convention on this subject, because it was more fully represented by nearly all the commercial associations of all the principal cities, towns, and commercial centers, not only of all or nearly all the States of the Union, but also by the leading commercial and other representative men of all the leading cities of the Canadian provinces. It thus more fully represented the public sentiment of the people of the entire North American continent than any other convention or public deliberative body which has ever assembled on the continent. General Walbridge, of the city of New York, its president, said of it in the National Board of Trade, held at Richmond, Virginia, in December, 1869:

As early as 1822, the War Department organized a commission to report upon the propriety of the construction of a Niagara ship-canal. The report was favorable, and there has been frequent action on the part of the Government since that time. At the Detroit convention, (1865,) composed of six hundred and forty delegates, the first commercial convention held after the rebellion, the resolution in favor of the construction of this ship-canal was passed by a nearly unanimous vote.—(Proceedings of National Board of Trade at Richmond in 1869, page 141.)

The one idea prevailing in that, as also in the subsequent convention of 1871, was the *necessity* for cheap transportation, and the impossibility of securing that result in any other way than by opening up continuous steam navigation of large capacity from the great lakes of the Northwest to the Atlantic Ocean by the way of the River Saint Lawrence, Lake Champlain, and Hudson River.

Mr. James F. Joy, of Detroit, one of the most influential, intelligent, and representative men in that convention, and, indeed, in the entire West, used the following language, which is now more emphatically true now than when uttered. The products of the West, as well as its population, have vastly increased since that speech was made:

With the millions of the West, the avenue to market is a vital question. When, close upon the Mississippi, corn is burned for fuel, because the expense of sending it to market is more than it is worth; when from Illinois, on an average, it costs the farmer three bushels to get the fourth to market in New York, and much more to lay it down in Liverpool; when, from all the Lake States, it costs half of all the flour and wheat to the farmer to get the rest to the markets of the world, it has become high time for the Government to look a little to the protection of its interest, and to the future welfare and prosperity of that vast and fertile region of country surrounding the Great Lakes

and stretching across the valleys of the Mississippi and Missouri Rivers toward the Rocky Mountai s. (Record of proceedings of convention, page 39.)

NOTE.—During the past year it cost the Iowa farmer, and still does, seven bushels of corn to get the eighth to the New York market, and other products in like proportion. (Ex committee.)

At the meeting of the National Board of Trade, held at Richmond, in the State of Virginia, on the 1st day of December, 1869, the following resolution in relation to the Niagara ship-canal was adopted, to wit:

Resolved, That this convention regards the construction of a ship-canal around the falls of Niagara as a national work of great commercial importance, alike demanded by the interests of commerce and political wisdom, and that its early completion by the General Government is required by every consideration of sound political economy.

In carrying out the instructions of the convention we present the following facts and arguments in support of that great national measure. In doing so we unite with said convention, as also with the prior one—indeed, with the people in all sections of the country—in urging upon the consideration of Congress the very great importance of this work, and the imperative necessity that it should adopt some plan for its speedy construction. We are firmly impressed with the conviction that *cheap transportation* can never be established, or *even inaugurated*, until continuous steam-navigation through this route is opened up to the Atlantic Ocean. We would also respectfully request the careful consideration of the following statements by each and all of the honorable members. They may be somewhat voluminous, but the importance of the measure, and the vast number and variety of the facts and circumstances necessary to be considered, preclude the possibility of very much reducing their elucidation.

LEWIS A. THOMAS, Iowa,
CHARLES RANDOLPH, Illinois,
DANIEL G. FORT and GEO. I. POST, New York,
JOHN BURT, Michigan,
T. C. HERSEY, Maine,
J. H. GRAY, District of Columbia,
C. D. ROBINSON, Wisconsin,
RALPH P. BUCKLAND, Ohio,
Executive Committee.

DETROIT, MICHIGAN, *November* 26, 1872.

But those conventions are not the only representative bodies which have taken emphatic and decided action on this subject. The people of the whole country have, through resolutions of popular assemblies and commercial conventions, by messages of governors, and memorials of legislatures, and through the public journals of the country, again and again reiterated the imperative necessity of this work. Brief extracts *only* from a few of these popular demands of the people can here be given. The following is a portion of the memorial of the legislature of the State of Iowa to Congress, for the year 1870, on the subject of this route:

The general assembly of the State of Iowa to the Senate and House of Representatives of the United States respectfully represent:

That the question of "uninterrupted water-communication," between the Mississippi Valley and the Atlantic sea-board, has become one of all-absorbing interest to the people of the whole country, and more especially the food-producing States of the Northwest. It has been considered by the people, met in local, county, State, and national conventions; by boards of trade and other commercial associations; by city councils and boards of supervisors of cities and counties; by the legislatures and governors of

States, and through the public press; and, without exception, by resolution, memorial, message, and public discussion, all have united in recognizing its importance and imperative necessity, and urging the attention and action of Congress and the country in relation thereto. A few brief extracts will demonstrate how thoroughly and universally this subject has taken hold of the popular sympathies of the people.

The national commercial convention, which met in Chicago in 1862, one of the largest, most intelligent, and most influential popular assemblies which ever convened in the country, most emphatically affirmed the proposition that "uninterrupted steam-navigation from the Mississippi River, by way of the great lakes, to the Atlantic sea-board, had become an imperative necessity." The following resolutions were adopted by a unanimous vote:

"*Resolved*, That we regard the enlargement of canals between the Mississippi River and the Atlantic, with canals duly connecting the lakes, as of great national, military, and commercial importance; we believe such enlargement, with dimensions sufficient to pass gun-boats from the Mississippi to Lake Michigan, and from the Atlantic to and from the Great Lakes, will furnish the cheapest and most efficient means of protecting the northern frontier, and, at the same time, will promote the rapid development and permanent union of our whole country.

"*Resolved*, That these works are demanded alike by military prudence, political wisdom, and the necessities of commerce. Such works will be not only national, but continental, and their early accomplishment is required by every principle of sound political economy."

In the memorial addressed to Congress, the convention say: "The one great idea which your memorialists seek to impress upon Congress is *the necessity of a great national highway in the form of a ship and steamboat canal between the Mississippi and the Atlantic. This great national highway is demanded alike by military prudence, the necessities of commerce, and sound political wisdom.*"

The commercial convention, held in the city of Dubuque, in May, 1864, by delegates from nearly all the Northwestern States, in their resolutions to Congress say: "*The increasing development of the vast agricultural, mineral, and commercial resources of the Northwest, and more especially of the Upper Mississippi Valley, require and demand the opening, at the earliest possible periods, of a water-communication between the eastern sea-board and the Mississippi River, by the nearest, cheapest, most expeditious, and most practicable route.*"

A commercial convention of the people of Missouri, Iowa, Illinois, Minnesota, and Wisconsin, held at the same place, on the 14th and 15th days of February, 1866, in their report and memorial to Congress say: "Many of the great staples are nearly valueless; and never before, in the history of the country, did the fruit of the laborer produce so little comfort. Corn, in many places, is used for fuel; oats in the stack rot unthrashed; barley and rye cannot be moved; and wheat, except of the first quality, leaves no margin to the shipper. If animal products form an exception, it is only because of the scarcity war has produced, and their price will soon reach the low level of the cereals.* In all this there is a great want, a sore need; and if no remedy can be found, production in this region must diminish, and the strongest arm of the nation must wither. But one means of relief can be afforded, *which is to provide cheaper transportation to the markets of the world for our heavy products.* * * * The good results to flow from the successful accomplishment of this great purpose can hardly be enumerated. They are as multiplied as the industries of the nation, and vast as its wonderful resources."

The commercial convention of delegates from all the States of the Mississippi Valley, held at Keokuk on the 7th day of September, 1867, in their proceedings say: "Uninterrupted water-transportation from the Mississippi Valley to the Atlantic Ocean is indispensable, and an imperative necessity."

In a memorial to Congress, extensively signed by the people in the Upper Mississippi Valley, and forwarded to their respective Representatives in 1865, 1867, and 1868, they say: "The experience of the whole country, for the last few years, has most abundantly proven that new, cheaper, and more direct commercial communications must be speedily opened up between the East and the West, or the expansion and continued prosperity of the latter must very soon reach a limit beyond which it cannot pass. Railroads are entirely inadequate to supply that need. *We confidently affirm that nothing but a continued water-communication between the eastern sea-board and the Mississippi can, by any possibility, obviate this difficulty.*" These memorials further say: "This region (the Upper Mississippi Valley) will raise and send to market this year (1868) about seventy million bushels of wheat, or two million tons. There will also be imported hither at least one million tons of merchandise and other freight, making in all three million tons, besides beef, pork, and other agricultural products which must seek an eastern market. The annual increase,

* The prediction of that convention was most emphatically fulfilled in the price of pork and other animal food in 1870–'71. In the latter year the producer realized less than $2.50 per 100 lbs. on his pork.

for many years to come, will be about 25 per cent.* A water-communication, which will reduce the tariff from railroad to water rates on these products and merchandise, will annually save, to this region alone, at least ten millions of dollars, which must otherwise be paid in freights in the land-carriage from the Mississippi to the lakes, when, at the same time, the products of this whole region of country can be transported through such a route to New York City as cheap, and quite as expeditiously, as by rail from any of the ports on Lake Michigan.

In a pamphlet compiled and published in 1868 by order of the president and directors of the James River and Kanawha Canal Company, at the request of prominent citizens of the West, the writer says: "Cheap transportation is the great necessity of the West. Its products exceed the means at command of cheap outlet to the sea-board. * * * They press constantly upon the avenues of transportation, and millions of western producers are thus placed under the power of carriers."

The city council of the city and the board of supervisors of the county of Dubuque, in a memorial to Congress on this subject, say: "That upon the speedy completion of the great national thoroughfare from the Mississippi by the way of the Wisconsin and Fox Rivers, the great lakes, the River Saint Lawrence, and Lake Champlain, to the tide-waters of the Atlantic at New York City, depends in a very great measure the future development and continued prosperity of the entire Northwest."

The twelfth general assembly of the State of Iowa, in a memorial to Congress in relation to this question, say: "That the great want of our State is cheap transportation for our heavy products to the markets of the world. That the most feasible plan to secure this end is to provide a direct and continuous line of water-communication between the Mississippi River and the Atlantic sea-board."

In another memorial to Congress on the same subject, but in relation to another route, the same legislature further says: "The products of the Northwest for transportation have increased beyond example. The capacity of the present channels of commerce is insufficient to move them, while the cost of transportation is so great that in some localities corn is used for fuel, and, in most, is converted into pork and beef before it can be forwarded."

The legislature of Wisconsin for the year 1868, in a memorial to Congress on this subject, say: "The character of the undertaking is alike apparent to Congress, the legislature, and the people. It is rendered necessary as a military measure, to protect against inroad and attack a frontier extending from the Atlantic to the Pacific; as a commercial measure, to enlarge the already inadequate outlets for an increasing commerce, thereby lifting from freights, and ultimately from the people, extortionate tariffs; and as a measure otherwise national, to establish, out of avenues of intercourse and trade, bonds of national unity."

The senate committee on commerce and navigation of the legislature of the State of New York for the year 1864, in a report on the Niagara Ship-Canal, say: "On the five seas that are embraced in this system of lakes, there annually float two thousand vessels of all descriptions, valued at twenty millions of dollars, and bearing a commerce double the value of the whole foreign trade of the country.†

"This great and rapidly increasing commerce, derived from a group of States and moving to the markets of the world through three distinct systems of navigation, is as much national in its character as that which is floated on the ocean.

"This contemplated improvement is bounded by no State lines, nor confined to narrow limits, but would affect more or less remotely the interests of ten millions of people, scattered over broad regions of country and contributing largely to our national power, prosperity, and security. * * * *

"The construction of such a route would open a wide and deep channel between the upper lakes and Lake Ontario and the Saint Lawrence River, and eventually lead to the construction of ship-canals from Lake Ontario on the Saint Lawrence to the Hudson River, thus saving greatly the interchanging of products and merchandise between New York and the West."

At the canal convention held at Prairie du Chien, in the State of Wisconsin, November 10, 1868, the president, Governor Merrill, of Iowa, on taking the chair, said: "The importance of the subject which has called us together cannot be overestimated. It is a subject affecting, not the interests of an individual, of a corporation, of a city, or of a single State even, but it is one of such magnitude that five or six States have assembled here, in the persons of their representatives, to consider and discuss it. * * I declare it my belief that our growth and prosperity will be largely affected by the success or defeat of the measure now before us."

In the proceedings of the convention the following resolution was unanimously adopted:

"*Resolved*, That the immediate opening of said channel is demanded by the interests of the people of the entire country; that the work is one of national importance, re-

* At the present time (1872) these products have increased more than two million tons.

† The value of that inland commerce is now more than one thousand million dollars.

quired as a channel of commerce, as a ligament to bind together the States, insuring national unity, and as a measure of defense in case of war."

The Dubuque (Iowa) delegation, not being able to reach the convention in time, forwarded a preamble and resolution expressive of the views of the people of that State, which were incorporated into the proceedings of the convention. The following is one of the resolutions:

"*Resolved*, That *cheap transportation* is an imperative necessity for the entire Northwest, and more especially for the Upper Mississippi Valley, without which its continued development, and consequent prosperity, must at no distant period reach a limit beyond which it cannot pass."

At the re-assembling of that convention at Portage City, Wisconsin, on the 20th of October, 1869, the following resolution, among others, was unanimously adopted:

"*Resolved*, That a water-route by which steamboats of the Mississippi River can run to the harbors and unload into the vessels of the great lakes, is a public necessity."

These are but brief extracts. Volumes might be filled with the proceedings of legislatures, national, State, county, and local conventions, discussions in the public press, and proceedings of the people generally, in relation to this great national and continental enterprise, thus receiving the sanction of the entire American people. The following memorial, now pending before this legislature,* is the latest expression of this universal sentiment of the country. It is signed by very many of the most enterprising, public-spirited, wealthy, and successful business men of the State, and of the whole Northwest, and expressing in very brief terms the imperative necessities and general interests of the people of the entire Upper Mississippi Valley, and, as we believe, of the whole country:

"*To the honorable the general assembly of the State of Iowa:*

"The undersigned, citizens of Iowa, would state that the people of the entire country, and more especially of the Northwest, have become deeply interested in the question of uninterrupted water-communication between the Mississippi Valley and the Atlantic sea-board, and more particularly in relation to the route by the way of the Wisconsin and Fox Rivers, the great lakes, the river Saint Lawrence, and Lake Champlain, to New York City. Although this great transcontinental work must be mainly carried out (if at all) by individual enterprise and capital, the interposition and assistance of the General Government will be indispensable to its final success. We would therefore respectfully request the legislature to memorialize Congress for such legislation and material aid as may be necessary to secure a speedy consummation. Also, to invite the co-operation of the legislatures and people of the country, and more especially of the Western and Northern States, in this work. And also to suggest some plan of operation whereby the influence, energy, and capital of the whole country can be successfully concentrated upon this great national and continental enterprise.

"Lewis A. Thomas, Ambrose Gleed, A. Heeb, Shubel P. Adams, W. H. Rumph, John S. Williams & Co., C. A. Metcalf, P. D. Hosford, M. Kingman, W. Chandler, John King, Stewart, Shields & Co., John P. Burt, J. W. Coy, W. G. Stewart, E. D. Cook, Simplot Bros., B. B. Richards, John H. Lull, Henry Barr, E. H. Eigmy, L. A. Rhomburg & Co., M. S. Robison, J. A. Rhomburg, John W. Deery, P. Morgan, John Glabb, Edward Clingenberg, John Milligan, Burton, Hill & Co., J. W. Parker, John Fitzpatrick, Rouse & Dean, W. W. Parker, Ed. C. David, A. Hubert, F. A. Parker, H. W. Griswold, Alexander Levi, Will. F. Deuce, John D. Jennings, George W. Jones, Atherton, Walker & Co., Carr, Austin & Co., Chas. Jones, V. J. Williams, J. B. Lane, G. Fleming, C. J. Cummings, Wm. Newman, Wm. A. Judd, John Mullany, Lawrence McNamee, Amsden & Walker, M. H. Moore, W. H. Peabody, P. Logan, R. J. Gibbs, J. H. Thedinga, Parker, McMasters & Co., L. D. Randall & Co., W. C. Chamberlain, A. A. Cooper, Thos. Kenny, C. Mason, F. Jaeger & Co., Sears & Abbott, Thos. Swain, J. E. Fairbanks & Co., Sol. R. Naugh & Co., Geo. D. Wood, H. B. Baker, C. Crocker.

"DUBUQUE, IOWA, *December* 24, 1869."

A few extracts, taken from the circular issued by the executive committee for the convening of the said Detroit convention of 1871, clearly demonstrate how thoroughly impressed the people in all parts of the country have become of the importance and imperative necessity of this work:

A GREAT CONTINENTAL ENTERPRISE.

CONTINUOUS STEAM NAVIGATION FROM THE MISSISSIPPI VALLEY TO THE ATLANTIC OCEAN.

Whereas resolutions have been adopted by chambers of commerce, boards of trade,

* Afterwards unanimously adopted by both branches.

city councils, and public meetings and other bodies in most of the principal cities and commercial centers in the Northern and Western States, calling for a commercial convention to take into consideration the foregoing proposition, which resolutions are all in substance as follows, to wit:

"*Resolved*, That the business men in all parts of the country interested in cheap transportation betweeen the West and East be invited and requested to meet in convention at Detroit, in the State of Michigan, some time this autumn, to devise ways and means of opening up, at the earliest practicable period, a continuous water and steam navigation route, of maximum capacity, from the Mississippi Valley, around the Falls of Niagara on the American side; thence by the way of Lake Ontario and River Saint Lawrence, Lake Champlain, and Hudson River, to the Atlantic Ocean, by the nearest, cheapest, and best route; also to petition Congress to assist in the consummation of this great continental as well as national enterprise, by making an appropriation adequate to the construction of the works at Niagara Falls.

"That the convention be restricted in its proceedings and resolutions exclusively to measures for the promotion and success of this enterprise, and that it petition Congress to legislate thereon separate and apart from all other questions and measures."

Resolutions (all of which are substantially embodied in the foregoing) have been unanimously adopted by the following civil and commercial bodies and public meetings of the people in various and distant parts of the country, to wit:

State of Iowa.—Board of trade and city council of the city of Dubuque, June 1, 1871; board of supervisors of the county of Dubuque, June 5; city council and public meeting of McGregor, July 20; city council of Lansing, July 21.

State of Wisconsin.—City council and board of trade of La Crosse, July 25; chamber of commerce of Milwaukee, September 20.

State of Minnesota.—City council of Winona, July 24; city council and board of trade of Redwing, July 27; city council of Hastings, July 28; board of trade of Saint Paul, August 7; city council, board of trade, and lumbermen's board of trade of Saint Croix Valley, Stillwater, August 4; board of trade of Minneapolis and Saint Anthony, August 3, and city council of Minneapolis, August 10; city council and board of trade of Du Luth, August 9.

State of New York.—Public meeting and president and trustees of Lewiston, August 18; public meeting and president and trustees of Youngstown, August 19.

State of Vermont.—President and trustees of Saint Albans, August 25; public meeting, mayor and city council and board of trade of Burlington, August 28.

State of New Hampshire.—City council of Concord, September 6.

State of Maine.—Board of trade of Portland, September 6.

State of Massachusetts.—Boston Commercial Exchange, September 8.

State of Michigan.—Board of Trade of Detroit, September 15.

State of Illinois.—Chamber of Commerce of Chicago, September 19.

And whereas the governors of a large portion of the Northern States have united in said call, while others have signified their approval of said convention and pledged their co-operation therein. Now, therefore, in view of the vast importance of the contemplated improvement to the continued development and consequent prosperity of the agricultural, manufacturing, and commercial interests of the whole country, and being called for by so large a majority of the principal commercial centers of the country, and more especially of the Northern States, notice is hereby given that a commercial convention will be held at Detroit, in the State of Michigan, on Wednesday, the 13th day of December, 1871, for the purpose expressed in the foregoing resolution.

The effort to open up continuous steam navigation of large capacity between the Mississippi Valley and the Atlantic sea-board is a gigantic enterprise, well worthy the combined and vigorous efforts of a free, prosperous, and enterprising people. It will, however, tax the energies of our whole people; not one effort or influence should or can safely be omitted in this grand movement, in the onward progress of our national development and material prosperity. In no other way, however, can the vast and rapidly increasing agricultural, manufacturing, and commercial interests of the whole country be adequately and efficiently subserved. Let us, therefore, make one more grand and united effort to consummate this great continental as well as national enterprise. Judging the future by the past, we have the strongest assurance that our efforts will be crowned with the most triumphant success.

By order of the executive committee:

JAMES BURT,
WM. I. GILCHRIST,
R. J. GIBBS,
Dr. G. W. SCOTT,
A. C. CALL,
M. KINGMAN, Iowa,
D. W. INGERSOLL, Minnesota,
F. H. WEST,
WM. W. JONES, Wisconsin,
W. W. WHEATON,
C. M. GARRISON,
JOHN BURT, Michigan,
Executive Committee.

LEWIS A. THOMAS,
Corresponding Secretary.

DUBUQUE, *October* 18, 1871.

The following letter of Governor Merrill, of Iowa, speaks the unanimous sentiment of the people, not only of that State, but of the entire West, and, as we believe, of the whole country:

EXECUTIVE OFFICE,
Des Moines, Iowa, October 4, 1871.

DEAR SIR: I have received yours of September 30, together with resolutions and printed circulars entitled "A call for a commercial convention of the people and business men of the country, to devise ways and means for opening up continuous and uninterrupted water and steam navigation from the Mississippi Valley to the Atlantic Ocean."

I most cheerfully join the governors of the East and West in this call, which I have signed and herewith returned to you.

I regard this effort, by the friends and advocates of cheap transportation between the East and the West, to open up continuous water and steam navigation of maximum capacity from the Mississippi Valley to the Atlantic Ocean, as the most important enterprise of its character that has ever been brought before the American people. *The West must have cheap transportation to the East and to Europe, or her continued development and consequent prosperity will be materially retarded.*

Even now we begin to see unmistakable signs of such a crisis. At this very hour, in the interior and all the western portions of Iowa, and all of Nebraska and Dakota, the products of the farm, after deducting interest on capital invested, expenses, &c., will make the agriculturist only a meager return for his labor in raising them. Never before has Iowa had such a crop of corn, wheat, and other products of the earth, as that of this year. Yet of this immense production little or none can be shipped, except wheat and pork; and the prices for these articles rule so low that the expense of getting them to market consumes the greater part of the whole crop. This, it will be readily seen, cannot long continue without producing utter prostration of our agricultural interests. For this state of affairs a partial, if not a full, remedy can be found in cheapened transportation; something that will materially reduce the expense of getting this wealth of field and stock to market. Railroads cannot meet this requirement. More than eighteen months ago a leading northwestern journal stated that the West "even now is at the end of its transit ability. Not another ton of freight can be removed from the West to the East with its present means and facilities of transportation, immense as they confessedly are." If this was true at that time, (and I have not the slightest doubt of it,) how much more emphatically is it the case at the present day; the facilities of transportation, thus fully occupied then, have not been increased; yet the population of the West has in that period of time been augmented by nearly, if not quite, a million of people, nine-tenths of whom are agriculturists, who by their industry and energy are adding immensely to her agricultural products, even while the fruits of their labor yield them little more than a bare living. And no amount of probable increase of railroad facilities will be adequate for the demand.

The advocates of the contemplated water-route affirm (and I fully concur with them) that it is the only agent by which we can bring about cheap transportation, and draw producer and consumer together, as well as open up new markets in Europe, now closed to us because of the cost of reaching them. The friends of reform therefore urge enlightened, energetic, and representative men, in all parts of the country, to come up to this convention, and aid in devising means and inaugurating measures to facilitate this great work, demanded by the interests of the East and the West. Cheapened transportation across the continent means cheap food for the sea-board, and cheaper merchandise for the West. Thus, farmer, merchant, mechanic, laborer, East and West, will for all time be benefited.

Respectfully yours,

SAMUEL MERRILL,
Governor of Iowa.

Colonel L. A. THOMAS, *Dubuque, Iowa.*

In support and approval of the action of the Detroit commercial convention, the legislature of the State of Illinois, on the 22d of December, 1871, adopted the following preamble and resolutions, to wit:

Whereas the property of the State of Illinois is to be measured by the value of its products at the sea-board; and

Whereas, if the cost of transport of the cereals to tide-water should be reduced 10 cents per bushel our products would command the markets of all Western Europe; and

Whereas a movement has been recently inaugurated by the national board of trade, at Saint Louis, seconded by a commercial convention at Detroit, with a view of urging upon Congress the necessity of the construction of a ship-canal at Niagara, New York, connecting Lake Erie with Lake Ontario: Therefore,

Resolved by the senate, (the house concurring therein,) That, in the judgment of the general assembly, the question of cheap transportation is the question of the first importance to all our producers.

Resolved, That our members of Congress are hereby earnestly requested to favor such appropriations for the construction of said canal as shall secure its immediate commencement and early completion.

Approved December 23.

MEMORIAL TO CONGRESS OF THE IOWA LEGISLATURE.—MEMORIAL AND RESOLUTIONS OF THE LEGISLATURE OF IOWA IN RELATION TO THE NIAGARA FALLS SHIP-CANAL.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Iowa, would state that the agricultural and other material interests of the entire West, and more especially of this State, require, indeed demand, increased facilities for transportation between the grain-fields of the West and the eastern and European markets than is now or ever can be afforded by the railroads and the partial and imperfect system of water-transit now existing. So wide-spread and universal has this conviction become disseminated among the people of the West, indeed of the whole country, that efforts are now being made, and an enterprise inaugurated, to open up and perfect a system of continuous steam-navigation between the valley of the Mississippi and the Atlantic sea-board, by the way of the Wisconsin and Fox Rivers, to Lake Michigan, thence by the way of the northern lakes, river Saint Lawrence, Lake Champlain, and Hudson River, whereby the rates of transportation can be so reduced as that the cereals and other agricultural products of the Western States can at once command the provision-markets of Western Europe, from which they are now practically excluded in consequence of the excessive cost of transportation thither. There is an equally strong conviction that, by overcoming the barrier at Niagara Falls, all other obstructions to continuous navigation to the Atlantic sea-board will be speedily removed—probably as soon as the works at that point can be constructed: Therefore,

Be it resolved by the legislature of the State of Iowa, That our Senators and Representatives in Congress be, and they are hereby, requested to give their earnest attention to this subject; and if, in their judgment, this enterprise should appear to be feasible, and that it will conduce to the object sought to be secured, to wit, cheap transportation, to urge upon Congress that such aid be rendered by the General Government as will accomplish the end in view, to wit, the construction of a ship-canal around the Falls of Niagara, on the American side thereof, as speedily as possible.

* * * * * * *

Approved March 24, 1872.

NIAGARA SHIP-CANAL.

The legislature of Kansas, on the 20th day of January, 1872, adopted the following preamble and resolutions on the subject of the Niagara Falls Ship-Canal, to wit:

Preamble and resolutions of the State of Kansas to Congress, in relation to the Niagara Falls Ship-Canal.

Whereas a commercial convention of business and other representative men from different portions of the country, both East and West, was held at Detroit, in the State of Michigan, on the 13th day of December last, to take into consideration the practicability of reducing the rates and cost of transportation between the agricultural States of the West and the eastern and European markets, by opening up continuous steam-navigation, by way of the northern lakes, to the Atlantic Ocean;

And whereas said convention adopted resolutions requesting Congress to assist in that enterprise by making an appropriation adequate to the construction of a ship-canal around the Falls of Niagara, on the American side; * * * *

And whereas the people of Kansas have ever taken a deep interest in all questions and enterprises the object of which is to open up, extend, and perfect the means and facilities of intercommunication between the different portions of our country: Therefore,

Be it resolved by the legislature of Kansas, (the senate concurring,) That our delegation in Congress be, and they are hereby, requested to give their earnest attention to this subject, and if, in their judgment, it should appear to be feasible, to urge upon Congress that such aid be rendered by the General Government as will accomplish the end in view. * * * * * *

Approved January 21, 1872.

The legislature of Nebraska, on the 10th day of January, A. D. 1872, adopted like resolutions.

MINNESOTA RESOLUTIONS ON THE NIAGARA SHIP-CANAL.

Preamble and resolutions to Congress of the legislature of Minnesota in relation to the Niagara Ship-Canal.

Whereas the agricultural and other interests of the entire West, and more especially of this State, require and demand increased facilities for transportation between the grain-fields of the West and the eastern and European markets, than is now or ever can be afforded by the railroads and the partial and imperfect system of water-transit now existing; and

Whereas an effort is now being made to open up and perfect a system of continuous steam-navigation between the valley of the Mississippi and the Atlantic sea-board, by way of the northern lakes and river Saint Lawrence: Therefore,

Be it resolved by the senate and house of representatives of the legislature of Minnesota, That Congress be requested to assist in that enterprise by making an appropriation at its present session, adequate to the work, for the construction of a ship-canal around the falls of Niagara, on the American side.

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to secure an appropriation for the work at the present session.

* * * * * * *

Approved February 16, 1872.

MEMORIAL OF THE WISCONSIN LEGISLATURE ON THE NIAGARA SHIP-CANAL.

Memorial to Congress relating to a ship-canal around Niagara Falls.

Your memorialists, the legislature of the State of Wisconsin, would respectfully state that—

Whereas to insure the continued development and consequent prosperity of the manufacturing and commercial interests of the Eastern States, as also the agricultural and other interests of the West, indeed of the whole country, a cheaper system of transportation between the two sections than now or ever can exist with the present means and facilities by railroad and the limited and imperfect system of water-transit now existing must be speedily opened up; and

Whereas the main and probably the only means of securing that object, to wit, "cheap transportation," is by opening up a continuous steam-navigation from the Mississippi Valley to the Atlantic Ocean by the way of the great water-channels of the continent, thereby creating competing lines of transit of unlimited capacity between the grain-fields of the West and the eastern and European markets; the most serious, indeed the only serious obstacle to the consummation of that enterprise by the way of the great lakes, river Saint Lawrence, and Lake Champlain, exists at Niagara Falls; and

Whereas another movement has been inaugurated by the late commercial convention held at Detroit, in the State of Michigan, in December last, to invoke the assistance of the General Government to break down that rocky barrier existing between Lakes Erie and Ontario, as speedily as possible: Therefore,

Resolved by the assembly, (the senate concurring,) That Congress be requested to make an appropriation, at its present session, for the construction of a canal around the falls of Niagara, on the American side, of the maximum capacity of the lakes, as speedily as can be done consistent with the best interests of the country. * * *

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to secure such an appropriation at the present session.

Approved February 20, 1872.

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF OHIO RELATING TO THE CONSTRUCTION OF A SHIP-CANAL AROUND THE FALLS OF NIAGARA WITHIN THE TERRITORY OF THE UNITED STATES.

Whereas a commercial convention of business and other representative men, from different portions of the country, both East and West, was held at Detroit, in the State of Michigan, on the 13th day of December last, to take into consideration the practicability of reducing the rates and cost of transportation between the agricultural States of the West and the eastern and European markets, by opening up continuous steam-navigation by way of the northern lakes and river Saint Lawrence to the Atlantic Ocean; and

Whereas the convention adopted resolutions requesting Congress to assist in that en-

terprise, by making an appropriation adequate to the construction of a ship-canal around the falls of Niagara, on the American side thereof; and

Whereas this proposition of opening up new and competing lines of transit between the West and East, through those great water-channels of the continent, thereby reducing very materially the cost of moving the vast agricultural and other products of the West to the markets of the world, has received the direct sanction of the legislatures of most of the Western States and Territories, and more especially of Illinois, Iowa, Kansas, Nebraska, Dakota, Minnesota, Wisconsin, and Michigan, as also of several of the New England States, thereby most incontestably proving that the people of the whole country are making earnest and efficient efforts to secure greater and cheaper means and facilities of transportation between the two sections of our country; and

Whereas the people of Ohio have ever taken a deep and abiding interest in all questions and enterprises the object of which has been to open up, extend, and perfect the means and facilities of intercommunication between the different sections and portions of our country, thereby materially reducing the cost of transit on her immense and varied industries: Therefore,

Be it resolved by the general assembly of the State of Ohio, That our Senators and Representatives in Congress be, and they are hereby, requested to give their earnest attention to this subject; and if, in their judgment, it should appear to be feasible and to subserve the purpose sought to be secured, (to wit, cheap transportation,) to urge upon Congress that such aid be granted to the enterprise, by the General Government, as shall secure the speedy construction of the aforesaid ship-canal. * * *

Approved April 5, 1872.

STATE OF MAINE.

RESOLVES in relation to the Niagara Ship-Canal.

Your memorialists, the legislature of the State of Maine, would state that—

Whereas, to insure the continued development and consequent prosperity of the manufacturing and commercial interests of the Eastern States, and also to promote in the most efficient manner the agricultural and other interests of the West, indeed of the whole country, a system of cheaper transportation between the two sections than now exists, or ever can be secured with the present means and facilities afforded by railroads and the limited and imperfect system of water-transit, must be speedily opened up;

And whereas the main and probably the only means of securing that object, to wit, cheap transportation, is by opening up continuous steam-navigation from the Mississippi Valley to the Atlantic Ocean, by the way of the great water-channels of the continent, thereby creating competing lines of transit of unlimited capacity between the grain-fields of the West and the eastern and European markets; the most serious, indeed the only serious obstacle to the speedy consummation of that enterprise by way of the great lakes, river Saint Lawrence, and Lake Champlain, exists at Niagara Falls;

And whereas another movement has been inaugurated by the late commercial convention, held in the State of Michigan in December last, to invoke the assistance of the General Government to break down that rocky barrier existing between Lakes Erie and Ontario as speedily as possible: Therefore,

Be it resolved, That Congress be requested to make an appropriation at its present session for the construction of a canal around the falls of Niagara, on the American side, of the maximum capacity of the lakes, as speedily as can be done consistent with the best interest of the whole country.

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to secure such an appropriation at the present session.

Resolved, That duly authenticated copies of this preamble and resolutions be transmitted to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, with request that they lay them before their respective houses, and to each of our Senators and Representatives in Congress.

IN THE HOUSE OF REPRESENTATIVES, *February* 29, 1872.

Read and passed finally.

FREDERICK ROBIE,
Speaker.

IN SENATE, *February* 29, 1872.

Read and passed finally.

REUBEN FOSTER,
President.

FEBRUARY 29, 1872.

Approved.

SIDNEY PERHAM,
Governor.

STATE OF MAINE, OFFICE OF SECRETARY OF STATE,
Augusta, December 19, 1872.

I hereby certify that the foregoing is a true copy of the original as deposited in this office.

[SEAL.] GEO. G. STACY,
Secretary of State.

Concurrent resolution in relation to the proposed ship-canal around Niagara Falls.

Whereas the annual products of the States bordering upon and tributary to the northern lakes are largely in excess at the present time (and are rapidly increasing) of the capacity for transportation of all the avenues to the Eastern States and the sea-board, demonstrating the necessity of enlarged water facilities for communication between the West and the East; and

Whereas the State of Michigan is deeply interested in the matter of opening a cheaper and more expeditious mode of transportation by water than now exists between this State and the Atlantic sea-board:

Resolved by the house of representatives, (the senate concurring,) That Congress be requested to make an appropriation, either in money or land, as soon as can be done consistently with the best interests of the country, for the construction of a ship-canal around Niagara Falls, from Lake Erie to Lake Ontario, upon the best, cheapest, and safest plan, capable of transferring vessels of not less than two thousand tons burden, in the most expeditious manner practicable.

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use their efforts to procure an appropriation for the construction of said canal at as early a day as is practicable.

Resolved, That duly authenticated copies of these resolutions be transmitted to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, with the request that they lay the same before their respective houses; and also to each of our Senators and Representatives in Congress.

Approved March 25, 1872.

STATE OF MICHIGAN,
Office of the Secretary of State, ss:

I, Daniel Striker, secretary of state of the State of Michigan, do hereby certify that I have compared the annexed copy of concurrent resolution in relation to the proposed ship-canal around Niagara Falls with the original on file in this office, and that it is a true and correct transcript therefrom, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this 12th day of December, in the year of our Lord one thousand eight hundred and seventy-two.

[SEAL.] G. M. HASTY,
Deputy Secretary of State.

AGRICULTURAL STATISTICS.

The foregoing are but a few brief extracts from a vast amount of evidence which for years has been and still is accumulating of the expression of the convictions of the people in all parts of the country of the imperative necessity for cheap transportation between the grain-fields of the West and the eastern and European markets. But the necessity for securing to the West this much-coveted boon by some means other than those now existing will be more apparent if we examine a few of the products of the great agricultural States clustering around the northern lakes, and stretching away across the valleys of the Mississippi and Missouri Rivers toward the mountains, to wit: Ohio, Kentucky, Indiana, Illinois, Missouri, Kansas, Nebraska, Dakota,* Iowa, Minnesota, Wisconsin, and Michigan. These twelve States produce more than three-fourths of all the cereals and other provisions and products of the entire country, as the following tables most clearly and conclusively demonstrate:

* Although a Territory, for brevity and convenience, we call Dakota a State.

Wheat statistics of those States for the years 1867 to 1871, inclusive.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	18,000,000	17,550,000	20,400,000	21,270,000	21,830,000
Indiana	16,861,000	17,336,000	20,000,000	20,170,000	21,560,000
Kentucky	2,847,000	2,870,000	5,500,000	5,610,000	5,930,000
Illinois	28,000,000	28,500,000	29,200,000	27,115,000	24,740,000
Missouri	4,961,000	5,357,000	7,500,000	6,750,000	8,050,000
Kansas	1,250,000	2,800,000	1,537,000	2,343,000	2,577,300
Nebraska	1,000,000	1,565,000	1,000,000	1,848,000	2,032,000
Dakota	.....	100,000	130,000	178,000	200,000
Iowa	16,300,000	20,350,000	25,000,000	27,500,000	30,250,000
Minnesota	10,000,000	14,500,000	19,000,000	20,200,000	22,319,000
Wisconsin	22,000,000	22,600,000	24,000,000	26,400,000	29,040,000
Michigan	15,250,000	16,012,000	16,800,000	18,480,000	20,328,000
Total	136,969,000	149,520,000	170,057,000	178,154,000	193,876,300

Corn statistics for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	64,000,000	74,000,000	83,000,000	87,751,000	96,526,100
Kentucky	46,550,000	58,187,000	51,500,000	63,345,000	69,679,500
Indiana	80,000,000	90,832,000	100,000,000	113,150,000	124,465,000
Illinois	109,000,000	134,333,000	123,500,000	201,378,000	221,515,800
Missouri	50,437,000	60,967,000	80,500,000	94,990,000	104,489,000
Kansas	8,150,000	8,487,000	24,500,000	26,950,000	29,645,000
Nebraska	2,325,000	3,185,000	6,750,000	7,425,000	8,167,500
Dakota	70,000	103,000	130,000	145,000	178,000
Iowa	53,333,000	65,339,000	85,270,000	93,797,000	125,062,660
Minnesota	4,500,000	8,255,000	14,230,000	15,653,000	17,218,300
Wisconsin	9,885,000	12,565,000	16,180,000	19,995,000	21,994,500
Michigan	15,118,000	18,815,000	21,870,000	24,057,000	26,462,700
Total	443,368,000	535,038,000	607,430,000	748,636,000	919,348,060

NOTE.—It is estimated by the best and most reliable authorities on this subject that the corn crop of these States was at least one-fourth greater in 1872 than in 1871, or any previous year. If that be a correct estimate, and of that there can be but little if any doubt, it amounted to the enormous aggregate of 1,349,285,175 bushels.

Hog statistics of those States for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	2,139,991	2,194,163	2,694,170	2,033,000	2,266,000
Kentucky	1,300,156	1,560,186	1,955,000	1,994,100	2,193,510
Indiana	2,581,369	2,007,195	2,590,369	2,349,000	2,583,900
Illinois	2,181,734	2,042,938	2,160,080	3,363,000	3,699,300
Missouri	1,741,154	2,042,438	2,300,000	2,530,000	2,783,000
Kansas	140,662	160,848	516,000	572,600	629,860
Nebraska	54,968	65,637	125,000	137,500	151,250
Dakota	.....	.....	13,000	14,000	21,100
Iowa	1,748,853	1,948,059	2,500,000	3,100,000	3,410,000
Minnesota	150,795	158,732	187,230	205,953	226,546
Wisconsin	378,555	421,608	471,602	651,900	717,090
Michigan	418,342	441,608	443,357	517,400	509,140
Total	12,836,879	13,043,912	15,945,108	17,468,453	19,887,686

Cattle statistics of those States during those years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	1,415,000	1,496,750	1,415,866	1,535,100	1,688,610
Kentucky	491,048	479,303	629,500	627,600	690,360
Indiana	892,000	906,000	1,000,000	1,185,500	1,304,050
Illinois	1,395,000	1,457,000	1,535,000	1,907,400	2,098,140
Missouri	843,097	939,491	1,306,000	1,376,000	1,513,600
Kansas	235,860	354,000	274,572	507,600	558,360
Nebraska	114,011	142,762	161,300	177,435	195,180
Iowa	1,013,894	1,103,503	1,162,000	1,280,200	1,408,220
Minnesota	349,000	318,241	334,400	382,500	420,750
Wisconsin	753,601	794,158	813,800	895,080	984,588
Dakota	.....	.....	81,711	89,882	98,870
Michigan	604,837	651,761	602,837	715,400	786,940
Total	8,297,348	9,991,969	9,323,986	10,679,697	11,745,668

Sheep statistics of those States for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	6,730,126	6,300,000	7,160,252	8,876,277	9,763,904
Kentucky	895,865	868,989	942,000	904,300	994,730
Indiana	2,882,176	2,622,780	3,141,582	3,200,000	3,280,000
Illinois	2,736,431	2,388,694	3,092,288	3,401,505	3,741,655
Missouri	1,377,547	1,584,179	2,300,000	2,500,000	2,800,000
Kansas	76,342	107,896	120,000	115,000	130,000
Nebraska	22,059	28,078	35,030	42,290	51,430
Dakota	.....	.....	10,120	12,230	15,471
Iowa	2,591,379	2,332,241	2,850,517	2,293,100	2,563,124
Minnesota	129,010	134,170	162,220	180,259	210,030
Wisconsin	1,880,758	1,749,104	2,012,412	2,810,320	2,910,029
Michigan	3,948,191	3,553,371	4,343,011	4,701,000	4,981,263
Total	23,269,884	21,661,512	26,169,532	29,036,281	31,441,736

WHEAT-PRODUCT IN 1870–'71.

From the foregoing statistics, compiled from the agricultural reports at Washington, State agricultural reports, and other equally reliable sources, we find that in those twelve States the wheat-product for 1870 was 178,154,000 bushels, while all other portions of the Union, including the Pacific States, produced only about 67,730,700. In 1871 the wheat crop of these States amounted to 193,876,300 bushels, all the other portions of the country producing about 78,530,000 bushels. In other words, those States, two-thirds of which are not yet one-sixth developed, produced more than two-thirds of the entire wheat crop of the whole country. In 1872 the wheat-crop of those States amounted to about 225,000,000 bushels. In all other States, to 86,383,000 bushels.

CORN-CROP FOR THE YEARS 1870 AND 1871.

In 1870 the entire corn crop of the whole country amounted to 1,094,255,000 bushels; of which those States produced 748,636,000 bushels. In 1871 the whole corn crop of the country was 1,203,680,500 bushels, of which those twelve States produced 919,323,060 bushels, leaving but 284,457,440 bushels for all the balance of the country. In 1872 those States produced about 1,349,285,175 bushels, and that, too, when several of them are not and never can be adapted to corn-raising—especially Michigan, Wisconsin, and Minnesota—and while two others, to wit, Dakota and Nebraska, are hardly developed at all. This is the more remarkable when we take into consideration the further fact that

all the States lying south of them are peculiarly adapted to the cultivation of corn.

HOG STATISTICS FOR THE YEARS 1870 AND 1871.

In 1870 those twelve States raised 15,468,453 hogs, while all the rest of the Union, including the Pacific States, raised only 13,987,048 hogs. In 1871 those States raised 19,250,686 hogs; all other portions of the country, 15,387,996 hogs. The same remarks apply to this branch of industry as to the corn crop. With this additional fact, that the hogs raised in those States average about 300 pounds each, while those raised in other States do not average over 200 pounds each. This discrepancy arises partly from the greater abundance of corn and other suitable food, and partly from the larger and superior breeds raised. Thus, those twelve States, in fact, raise about three-fourths of all the pork, bacon, and lard of the whole country.

CATTLE STATISTICS.

In 1870 those States raised 10,679,697 cattle; all other portions of the country, including the Pacific States, raised 16,555,503. The weight of beef, however, is in about the same proportion, owing unmistakably to the same causes, to wit, more abundant food and better breeds. In 1871 these States had 11,745,668 cattle; all other portions of the country about 17,111,056. They had in these two years about 4,696,700 milch-cows; all other portions of the Union, 5,326,300; only three of which are particularly devoted to this branch of industry, to wit, Ohio, Indiana, and Michigan.

SHEEP STATISTICS.

In 1870 those States had 29,036,281 sheep; all the rest of the Union 11,816,719. In 1871 they had 31,441,736; all the balance of the country about 12,998,390. Allowing one and a half pounds of wool to the head, and those States raised, in 1871, 47,162,604 pounds of wool; all other portions of the country produced 19,497,585 pounds.

But it is not necessary to pursue these comparisons any further. We can, upon the authority of these statistics, which we affirm are entirely reliable, assume, without the fear of successful contradiction, that those twelve States produce more than two-thirds of all the agricultural staples of the whole country; and that all the surplus, to supply the markets of our own country, as also of Europe, comes almost exclusively from those States, while not one of them is more than one-fourth developed, and more than half not one-tenth. This state of facts will always remain. The country lying west of the lakes, and north of the thirty-eighth parallel of north latitude, will always, in all time, continue to be the food-producing portions of the continent. No revolutions of trade or commerce, or increased facilities for transportation in other portions of the country, or of any other land, will ever rival much less supersede this, in its peculiar agricultural resources. These resources are being developed, in a most unprecedented degree, by the rapid extension of railroads through all portions of the country. To get a more correct estimate of the necessity of this work, we should look a few years ahead, and ascertain what the productions of the country, and especially those States, will be a few years hence; for instance, in 1880, allowing an annual increase of 10 per cent., which is a very moderate estimate, and the account will stand thus: Wheat, 512,512,597 bushels; corn,

2,572,951,383 bushels; hogs, 41,928,595 head; cattle, 25,153,678 head; sheep, 67,398,146 head; wool, 101,097,219 pounds. The foregoing will be the probable products of the five great agricultural staples of those twelve States in 1880. But, with the present products of those States, the present means and facilities of transportation to the eastern markets are so meager, and the charges so high, that they are of very little value to the producer.

The following notice appeared in the Des Moines (Iowa) Daily Register of 10th November last, and other Iowa papers, to wit:

The proprietors of the Ogden House, in Council Bluffs, are using corn as a common article of fuel in all the rooms of their extensive establishment, finding it altogether cheaper and more economical than either wood or coal, although the price of neither is extravagant—indeed, is very moderate.

And this other item appeared about the same time in a paper published in the Missouri Valley, in Iowa:

We are informed, which is no doubt correct, that the farmers in all the prairie country of this valley are burning their corn for fuel, finding it altogether cheaper and more economical than wood or coal, although the latter, of excellent quality, can be obtained at any of the railroad-stations at from $3 to $3.50 per ton; and wood will not exceed $4 per cord, We may well ask, what are we all coming to? Are we never to have any relief from this state of affairs? Corn in New York City is at least 85 cents a bushel, and here our people are burning it to keep themselves from freezing. Other agricultural products are nearly as worthless. It will take three bushels of wheat and three fat hogs to get the fourth to market. There is a grievous wrong somewhere. Is it in Congress? We should be reluctant to believe so.

In all other parts of the Mississippi Valley the same state of affairs exists. Even in Michigan, within one hundred miles of Detroit, corn is also almost worthless.

General Hersey, of Portland, Maine, stated in the Detroit commercial convention of December 13, 1871, about one year ago:

The farmers of the West are burning their corn for fuel, while we, in the East, are famishing for the want of it.

COUNTRY LYING WEST OF THOSE STATES.

But the necessity for increased facilities of transportation will be still more apparent when we take into consideration the fact that there is a country west of those States, equally fertile and productive, now being rapidly developed by the extension through it of the Northern Pacific and other railroads, of more than three times their aggregate area. The country being developed by the Northern Pacific Railroad alone (including the north half of Minnesota and Dakota, and the British possessions) embraces an area of more than one million square miles. The sun does not shine upon a more beautiful or a more productive country. Although lying, upon an average, more than five hundred miles farther north, it still has the climate of Philadelphia. This extraordinary physical phenomenon exists from the fact that "the Northeast trade-winds," which, sweeping up from the tropics of the Central Pacific Ocean, come through the immense gorge (or plain, rather) of the Rocky Mountains, caused by the interlocking of the head-waters of the Missouri and Columbia Rivers, (thereby breaking down that rocky barrier,) and overspread that whole region of country, as far north as Hudson's Bay; imparting to it the soft and genial climate of the Pacific coast. This is the true and correct explanation of the sudden "trending" north of the isothermal lines, from the head of Lake Superior, as delineated upon all isothermal maps of the present day. The unbroken ranges of the Sierra Nevada and Rocky Mountains cut off those genial trade-winds from all portions

of "the great valley," lying farther south. Having to encounter altitudes of almost perpetual snow and ice, those winds often, especially during the winter, come sweeping down in chilling blasts upon all the central and southern portions of that valley.

In Texas—indeed, in the whole Gulf region—they are called "the northers," in winter the terror and dread alike of men and animals.

The following extract, taken from the report of Mr. Engineer Johnson, of the North Pacific Railroad, gives a better description of the region traversed by that road than anything we can produce from any other source:

MIDDLETOWN, CONNECTICUT, *February* 18, 1868.

I am convinced that, before another generation has passed, very great changes will take place in the belt of country to be traversed by the Northern Pacific Railroad. A field is opening there for enterprise, the magnitude of which cannot be easily estimated. It will not be confined merely to the belt of country between the Lakes and the Pacific, but include the broad Pacific itself, and the densely peopled portions of Eastern Asia, bringing half the globe, where labor rules the lowest, into direct and profitable communication with our great centers of commerce. I entertain no doubt of the capability of this region to sustain a large population. I have recently been looking over the statistics of France, and find a great similarity between the two. The annual rain-fall throughout France is 21 inches, less than the average between Lake Superior and the Pacific. One-seventh of the surface of France is set down as waste and worthless, a larger proportion, I think, than can be found on this line. In coal and other valuable minerals this line has greatly the advantage. The proportion of cultivable land is doubtless in favor of France. If half as densely populated as France, there is room for more than fifty million souls on this Lake and Pacific belt.

The above-described area does not include the valleys of the Upper Missouri and its principal tributaries, now an almost unknown and unbroken wilderness. A gentleman residing at Helena, Montana Territory, who is a native of Iowa, and well acquainted with all portions of the Mississippi Valley, lately stated to Colonel L. A. Thomas, one of the committee, that in his estimation the valley of the Gallatin River (one of the principal tributaries of the Missouri above the falls) is the very garden of the continent; and that the valleys of many other of its tributaries are very nearly, if not quite, equal to it. This region is attracting considerable attention, and emigration to it, in consequence of its great fertility of soil and geniality of climate. The lower valley (to the first rapids) is more than sixty miles long and thirty wide, nearly every quarter-section of which is susceptible of cultivation. Montana alone can, and when developed by the extension of railroads through it will, produce annually more than one hundred million bushels of wheat. This, however, never can be done with the present means and facilities of transportation from the lakes to the Atlantic Ocean, because the cost of transit thither will consume the whole crop. If we turn our eyes still farther to the Northwest, the same expanse of unbroken wheat-fields stretch away toward the mountains and the setting sun. The Saskatchewan River has a navigation, for large steamers, of more than one thousand miles, with a fertile valley more than fifty miles wide in nearly its whole length. But its fertile acres are worthless, because their wheat-crops, when raised, would be worthless. Their cost of transportation to a market would be greater than the price they would command in those markets.

There is one fact, not often, if ever, referred to by writers or others, which will make the Rocky Mountain region—indeed, all those vast plains lying west of the Missouri, including Western Texas, the Indian country, Kansas, Nebraska, and Dakota, in the United States, and Manitoba, in the British possessions—the best, most permanent, as well as most productive, wheat-producing portion of the entire continent,

and that is its mineral gases and salts disseminated through the soil. That whole region is volcanic, and has in abundance (in some places in superabundance) the mineral salts, as sulphur, alkali, ammonia, and other minerals, which constitute the food for all kinds of plants and cereals, especially wheat. On those plains that alkali strata is a volcanic drift of hard, ash-colored, stiff clay, intermixed with rock and coarse gravel, forming a layer from ten to seventy-five feet in thickness, the average being, probably, thirty feet. Above this is a deposit of black mold, of from one to three feet in thickness, intermixed with about 15 per cent. of white sand. When the surface is broken this alkaline and other minerals crystallize in a white powder all over the surface, and especially in the ditches, along the railroads, looking like a deep layer or fall of snow. Beneath this alkaline strata is a layer of coarse gravel, several feet thick, in which is found pure, soft water, of the very best quality. The same alkaline and other mineral salts is found in all volcanic countries, as in the Andes, in South America. Chili is one of the best and most productive wheat countries in the world. So of the regions around Mounts Ætna and Vesuvius; for more than three thousand years they have been the grain-fields of Western Europe. The same is true of all other volcanic regions. Hence, when wheat-culture is driven out of the valleys of the Mississippi and the Ohio Rivers, it will flourish in the Missouri Valley, on the western plains beyond, and up among the mountains, indeed everywhere, where is found this "alkaline drift." Fifty years hence that region will constitute the wheat-fields of the continent—indeed, of the world; and a thousand years hence they will be as good as new, because those mineral salts will be as abundant as now. *Then* "subsoiling" may, perhaps, be a good thing, and probably not before. Experiments in beet-culture for several years past in California, Nevada, Montana, and other sections of the Rocky Mountain region, clearly demonstrate that those alkaline plains are better adapted to the sugar-beet than any other portion of the continent, and probably of the world. For that culture there cannot well be a superabundance of alkali.

But perhaps we can get a more definite, and, at the same time, a more comprehensive idea of the almost boundless extent of the country drained by, or tributary to, the great chain of lakes lying along our northern frontier, if we carefully examine the following tables relating thereto. It will be observed that those lakes have an aggregate coast-line of 4,281 miles, very nearly equal to the entire sea-coast line of the whole country, and nearly one-half the sea-coast line of the whole North American continent within the line of the temperate or inhabitable regions. If to this we add the aggregate coast-line of the lake region, including that of Hudson's Bay in Manitoba, it will give a coast-line of the lake region of the North American continent of more than ten thousand miles. All these lakes, except, perhaps, Hudson's Bay, lie within the wheat-growing districts of the continent. And all that boundless wheat-region is necessarily tributary to the proposed water-route down the lakes to the Atlantic Ocean.

Magnitude, altitude, depth, area, &c., of the great lakes.

	English statute miles.				Depth in feet.			
	Greatest length.	Greatest breadth.	Average breadth.	Miles coast-line.	Greatest.	Mean.	Area, square miles.	Elevation above sea at Three Rivers.
Superior	390	160	60	1,030	1,000	900	32,000	600 feet.
Michigan	345	84	58	665	1,200	1,000	22,400	578 feet.
Huron	270	105	70	705	900	450	23,000	574 feet.
Georgian Bay	130	55	40	260	700	320	2,150	574 feet.
Saint Clair	25	25	20	60	60	18	80	588 feet.
Erie	250	60	38	570	204	90	10,000	564 feet.
Ontario	190	52	40	410	600	400	6,700	234 feet.
Champlain	120	15	10	260	282	54	1,130	90 feet.
River Saint Lawrence	1,000	.....	.....	2,000	.....	.....	.....	Tide-water.
	2,720	.....	.....	5,960	.....	.....	116,460	

Magnitude, altitude, depth, area, &c., of lakes in British America.

	English statute miles.				Depth in feet.			
	Greatest length.	Greatest breadth.	Average breadth.	Miles coast-line.	Greatest.	Mean.	Area, square miles.	Elevation above tide-water.
Rainy Lake	300	30	20	810	250	80	4,200	330 feet.
Lake of the Woods	190	50	36	315	300	130	3,100	267 feet.
Winnipeg	220	45	32	410	320	140	8,400	178 feet.
Wollaston	100	15	12	215	120	80	1,200	95 feet.
Athabaska	220	45	28	441	220	180	4,630	80 feet.
Big Slave Lake	380	60	44	1,200	320	240	12,320	230 feet.
Hudson's Bay	1,320	760	530	2,640	1,500	980	12,320	Tide-water.
Nipigon Lake	100	60	55	320	280	120	830	630 feet.
Nipissing Lake	40	18	12	120	90	65	720	651 feet.
Simcoe	35	18	10	108	120	94	80	704 feet.
Rivers	2,000	.....	.....	4,000	.....	.....	.....	
	5,005	.....	.....	9,579	.....	.....	48,600	

Distance from Chicago, via Welland Canal and Montreal, to New York City.

		Miles.
Lake navigation		1,005
River navigation		185
Canal navigation		71
To Montreal		1,261
Montreal to Whitehall	145	
From Whitehall to Albany	66	
From Albany to New York	150	
		365
Whole distance from Chicago to New York		1,626
New York to Liverpool		3,150
Whole distance from Chicago to Liverpool, via Montreal and New York		4,776

Whole distance from Chicago to Liverpool, via River and Gulf of Saint Lawrence.

	Miles.	
From Chicago to Montreal	1,261	
Montreal to Liverpool, via River and Gulf of Saint Lawrence	2,450	
From Chicago to Liverpool		3,716
Less distance than via New York		1,060

THE SOUTHWEST COUNTRY.

If we glance for a moment to the vast region lying west of the Indian country, and the States of Arkansas, Missouri, and Iowa, including the States of Kansas and Nebraska, and the southern portion of Dakota Territory, we shall see stretching away toward the mountains the same unbroken and almost unbounded expanse of wheat-land. It has been demonstrated beyond a doubt that "the great American desert," which a few years ago used to frighten timid people almost out of their senses, is a myth. Like the deceptive and fleeting mirage of the plains, it melts away and disappears before the advancing tide of emigration which is flowing over the plains and over the mountains toward the shores of the Pacific Ocean. This portion of the western country is known among western men as the "treeless region." It is a vast area, extending from the Rio Grande, on the south, to Big Slave Lake, on the North, a distance of nearly three thousand miles, and averaging about one thousand miles in width. Within the limits of the United States it rises with a nearly uniform grade of about 2½ feet to the mile, from about the meridian of Omaha to the foot-hills of the Rocky Mountains. There are many groves and skirts of timber along the streams and other favorable localities, with a few large bodies, especially along the Arkansas and Red Rivers; otherwise it is most emphatically a treeless plain. Its fertility, however, is unsurpassed, in consequence of the presence in great abundance of the mineral salts in the soil as above described. In consequence of this absence of timber, these vast plains will not and cannot be settled for many years to come, unless measures be adopted to insure the cultivation thereon of timber. This can readily and efficiently be done in connection with the homestead laws of Congress. A law that should provide that every one who shall cultivate five acres of timber of one year's growth, on each treeless quarter-section, shall be entitled to enter the same as a homestead, would at once and most effectually accomplish the object. The law should be very particular and strict. Let it provide that the tract shall be located on the west side of the quater-section and extend, if possible, from the north to the south boundary. This will give a strip 128 feet wide and half a mile long. If sown with the seed of the silver-leaf maple and carefully cultivated, it will produce a vigorous growth of plants of from one to five feet in height the first year, with an expense of from seventy-five to one hundred dollars, including the original breaking of the sod. The seed should be sown in drills about six feet apart. On suitable ground it may be sown with the first breaking of the prairie-sod. But the best and surest plan is to sow the seed at the second plowing. The silver-leaf maple produces a great abundance of seed, which ripens and falls off by the 1st of June, and may be gathered in great abundance in any of the western towns and cities. If well taken care of and cultivated, this five acres of timber will in a few years (five or six) produce all the fencing (except fence-posts) and fuel needed on the whole quarter-section, besides making a most effectual screen and protection against the ter-

rific winds and gales which often prevail on those plains. By this means also the annual prairie fires, which sweep over those plains, burning up every green as well as every dry thing, can be kept out and thereby the native timber allowed to grow, which it will do in great abundance and with great vigor in all parts of the country not devoted to cultivation, as soon as protected against those devastating fires. With, and even without, those contemplated improvements it becomes a problem of vast importance how those vast plains, which in time will be dotted all over their broad expanse with fertile and productive wheat-fields, are to be supplied with adequate and cheap means and facilities of getting their crops to an eastern and European market. In the language of the Spanish proverb we would say, "*¿ Quien sabe?*" "Who knows?" That problem, however, will be in a very great measure solved by the opening up of this water-route to the Atlantic Ocean, *because by cheapening transportation along the center and eastern portion, will cheapen it throughout the whole route.*

THIS PROPOSITION DISPUTED.

This proposition is often disputed, even by experienced shippers and other commercial men. One or two illustrations, however, will establish it beyond all doubt or controversy. Suppose corn to be worth 80 cents per bushel in the New York market, which has been about the average price for the last five years. It costs the farmer east of the lakes from 5 to 10 cents per bushel to get his crop to market, (say 10 cents,) consequently he gets 70 cents per bushel for his corn. But it costs the farmer in the Mississippi Valley 65 cents per bushel (about the average price up to the present time) to get his crop to the same market; hence he gets only 15 cents per bushel for his crop. Hence also it will be observed that *corn* is not a *very* profitable crop in that region. The costs of transportation have eaten it nearly all up. This at once explains the reason why so much corn is burned every year for fuel in the West. But the same is true of every other crop. The railroads and the transportation companies have consumed about eight-tenths and often nine-tenths of the whole earnings of the whole agricultural population in the great food-producing States of the West. But in the valley of the Missouri it costs at least 10 cents per bushel more; hence, when he reaches the New York market, after paying transportation and other charges, he gets the magnificent sum of *five cents* per bushel for his crop; about one-fourth enough to pay him decent and living wages for hauling his corn ten miles to the nearest depot. Now that is exactly the state of things existing at the present hour in all that vast and fertile region of country lying west of a north and south line down through the center of Iowa. In all that vast region, the corn-crop, in excess of the home demand, which will not amount to much, if any, more than 30 per cent. of the whole crop, is practically worthless—indeed is a positive expense to the farmer. "But why not raise other crops not so bulky, but more valuable?" exclaims the enemy of this water-route and cheap transportation generally. Sure enough, why not? *Simply and only because there are no such other crops to raise.* They are all bulky and heavy, and are all eaten up by the excessive and ruinous charges of transportation. Now, suppose we can, by opening up this water-route, reduce the cost of transit from the lakes east to the Atlantic sea-board 25 cents per bushel, then the Mississippi Valley farmer will get 40 cents and the Missouri farmer 30 cents per bushel for their respective crops. This is a fair and conclusive illustration of the foregoing proposition, to wit, that

by reducing the cost of transit on any part of the route, it equally benefits all parts thereof. At those prices, or rather at those reduced rates of charges, raising corn in the Mississippi and Missouri Valleys will become remunerative, not till then.

THE IOWA CORN-CROPS OF 1871 AND 1872.

The history of the Iowa corn-crop of 1871–'72 most forcibly and conclusively illustrates this proposition on a large scale. In 1871 that State raised about 150,000,000 bushels; in 1872 at least 10 per cent. more, or 165,000,000 bushels of corn. The average price of those crops will not exceed 10 cents per bushel to the farmer, while the average price in the New York market exceeds 80 cents per bushel. The entire difference, or 70 cents per bushel, has been swallowed up in the cost of transportation. The same is true of all other products of the western farmer. It takes three of his fat hogs and three bushels of his wheat to get the fourth to market; and so of everything else which he raises. Surely that country cannot be permanently prosperous where such a state of things exists.

Not the slightest improvement or mitigation of these enormous exactions can be expected or will be afforded with the present systems of transportation. The only remedy is *another* and a *rival* system. On the contrary, in view of the immense crop of 1872, which is now being moved to the eastern markets, the railroads have advanced their rates about 30 per cent. In view of this fact one of the most prominent western newspapers, the Dubuque (Iowa) Times, in its issue of November 27, 1872, makes the following statement:

> Eighteen of the principal railroad-lines centering in New York report an increase in their October earnings over those of the same month last year of about 20 per cent. This is not an increase in the amount of business done so much as it is an *increase* of freights. It is no wonder, then, that the farmers of the West find their produce consumed in the cost of getting it to market. *There must be some way to stop this extortion.*

Perhaps the editor in penning that last sentence forgot, or did not know, that that extortion was only the usual "annual squeeze" to which the farmers of the West are periodically (about that season) subjected.

The Inter-Ocean, of Chicago, on the 24th of October, 1872, says:

> Just now the West is taken by the railroads at a peculiarly painful disadvantage. The farmers have raised an unusually large crop of corn. Providence, as if to make up for the immense losses entailed by last fall's fires, in both city and country, has been most bountiful. But certain men stand in the way of the equal distribution of this beneficence and proclaim that the large majority of its benefits must accrue to them. At the very time that prices in the West have fallen below a profitable shipping-point the railway magnates call a meeting and proceed to put up rates of freight both ways, and thus add to the distress of the entire industrial community, agricultural, manufacturing, and commercial.

THE ERIE CANAL AND THE RAILROADS.

In support of the last foregoing proposition let us for a few moments examine the present means and facilities of transportation between the grain-fields of the West and the eastern and European markets. No serious obstacles intervene along the lake-route until we reach the foot of Lake Erie; indeed, the main trouble exists and the main expenses are incurred between the foot of that lake and the Atlantic sea-board. These facts directly lead us to examine the capacity and condition of the Erie Canal and the railroads running from the foot of that lake to the Atlantic Ocean. Can they be so enlarged and their carrying capacity so improved and increased as to meet the necessities and demands of the

West for greater facilities and cheaper rates for transportation? We assume that they cannot. One of the main reasons is, *because they cannot supersede the necessity for transshipment at the foot of Lake Erie.*

THE ERIE CANAL.

It is proposed to enlarge the Erie Canal so as to run boats thereon of 1,000 tons capacity. But that will not and cannot supersede the necessity for transshipment, as we shall hereafter demonstrate. The mere proposition of enlargement, however, involves the monstrous absurdity of digging out of the dry and hard earth and rocks, for a distance of more than 350 miles, a navigable channel of that capacity, right alongside of a system of navigable water of practically unlimited capacity, at a cost of three or four times the amount which will be necessary to complete this other route clear through to the Atlantic Ocean. But even were this enlargement practicable it cannot meet the demands and necessities of the country, and more especially of the West.

THE ENTERPRISE NOT PRACTICABLE.

But it is not practicable. With the proposed enlargement no amount of water can be secured to supply the "Syracuse level." The engineering skill of the canal board of the State of New York has been *exhausted* to meet the *present* demands of that level; and still in the dry seasons of the year, as July, August, September, and October, less than four feet of water can be secured or relied upon for that purpose, and then for only a portion of the time. At the very season of the year when the demands for transportation are greatest and most imperative the facilities furnished by the canal are the least.

Mr. Hutchinson, a civil engineer, connected and familiar with the canal system of the State of New York, in a written statement to the House of Representatives, in a discussion on the naval defenses of the great lakes, January 8, 1863, says:

> That on one hundred and twenty miles of the Erie Canal, extending from near Seneca River (Montezuma) to the feeder east of Little Falls, there is not now a full supply of water during the business season, and that, too, notwithstanding that section had the advantage of *eleven millions and sixty-four thousand acres of reservoirs, of nearly three thousand million cubic feet,* and one-half the Black River Canal and Erie Canal feeders' reservoirs, and also various intersecting streams; and notwithstanding all these advantages *any addition to the dimensions of the present locks, alone, would require large additional supplies. To enlarge the prism of the canal would also be necessary, and to maintain an adequate supply of water, even in the levels, would seem impracticable, to secure the passage of vessels with any increased draught.*

The section of the canal thus described includes that portion known as "the Long or Syracuse level." It is therefore a problem of very considerable importance "*where* the supply of water is to come from when the demand, arising from the proposed enlargement, will be at least ten times greater than now." The proposition is a simple absurdity.

LAKE ERIE TO SUPPLY THE REQUISITE AMOUNT.

The practical impossibility of increasing that supply by enlarging the reservoirs has been so thoroughly demonstrated that another proposition has frequently been broached, to wit, to supply the deficiencies of water for that level with the waters of Lake Erie, as also on the entire canal to tide-water, if need be—certainly to a point on the Mohawk River where a full supply can be secured from thence. That would be

almost a physical impossibility; at least to do so would require an excavation below the present level of the canal, upon an average, of at least 40 feet from Fulmer's Creek aqueduct (about twenty miles east of Utica) to Port Byron, a distance of more than one hundred miles, which would include the entire distance of "the Syracuse level." This excavation alone (of more than 100,000,000 cubic yards, more than half of which is solid stratified rock) would cost more than three times the amount required on the whole of the other route. The impossibility of carrying out such an undertaking will be more apparent by consulting a profile map of the Erie and other canals of the State of New York published in 1863. Later maps are still more accurate and explicit.

AN AQUEDUCT TO OVERCOME THE DEPRESSION BETWEEN LODI AND NEWARK.

Another proposition is to construct an aqueduct from Lodi to Newark to overcome the depression between those two points, and thus to bring the waters of Lake Erie up on to the Syracuse level to supply the deficiency of water now existing there. This would necessitate the construction of an aqueduct between those two points (a distance of about sixty miles) upon an average about 20 feet high, which would be a somewhat formidable undertaking, especially with a capacity for vessels of one thousand tons. We leave to the engineering skill and acumen of the friends of this enterprise (of Erie Canal enlargement) to supply that level with the waters of Lake Erie, or in any other practicable way they may or can devise. We imagine it will be some time before vessels of one thousand tons burden will float over the Syarcuse level.

UTMOST CAPACITY OF THE LAKES NEEDED IN CONTINUOUS NAVIGATION TO THE ATLANTIC OCEAN.

But suppose all these difficulties, which now appear so formidable, *can* be overcome and the waters of Lake Erie *can* be made to supply the "Syracuse level," or the requisite supply *can* be secured in some other way, still the utmost capacity of the canal, when thus enlarged, would allow of the passage of vessels of only 1,000 tons burden—about one, half the present tonnage of many vessels *now* navigating the lakes. This would still necessitate transshipment at Buffalo, which is one of the most grievous and oppressive burdens upon western agriculture and commerce at present existing, and from which the people of that section have for years been seeking to escape. The conviction has become universal, indeed unanimous, throughout all the agricultural States of the West, *that they can never secure cheap transportation so long as that necessity* (to wit, transshipment at Buffalo) *exists.*

LAKE VESSELS WOULD NOT NAVIGATE THE CANAL.

Transshipment would be inevitable, indeed imperative, in any event; because lake vessels could not successfully and profitably navigate the canal. This is not mere theory. There is a practical illustration of that assumption now existing on a large scale.

THE CALEDONIA CANAL.

The largest ship-canal now known in Europe is the Caledonia Canal, connecting the German and Atlantic Oceans, between the Murry, Frith, and Cantyre, opening, by means of lakes and narrow arms of the sea, an interior navigation of two hundred and

fifty miles, and large enough to float a thirty-two gun frigate, (about 1,500 tons carrying-capacity and 14 feet draught,) and yet it is an entire failure. Though it saves a large distance of difficult and dangerous navigation around the north of Scotland and the Orkneys, (about seven hundred miles,) it is scarcely used at all; indeed it does not and never has paid expenses of operating it, much less the interest (not even one mill) on the cost of construction, and is proposed to be abandoned. (Since this account was written it has been entirely abandoned.) The open navigation of the sea, though dangerous and of much greater distance, is found to be cheaper and far more convenient. The fact may be demonstrated that the movement of a large vessel, especially a steamer, through a long ship-canal (in this case entirely artificial and narrow) would be slow. It would involve the monstrous absurdity of carrying a heavy weight of machinery a distance of more than three hundred and fifty miles, which would be entirely useless on the voyage, displacing, by just so many tons, more valuable and paying freight, with a loss of the advantage of the machinery for the time. (Detroit commercial convention, 1865, page 161.)

Another reason obviously is, that as the canal is not of sufficient capacity to admit of the larger ocean steamers and vessels, it therefore is far cheaper to incur the risks of ocean-navigation around the difficult and dangerous coast of Scotland and the Orkneys than to transship on to smaller vessels that can go through the canal. Indeed, that is the main argument used in the English journals for the abandonment of the canal. The same principles are involved, and the same reasons would prevail, in regard to the Erie Canal, but with far greater force, because the channel is artificial and narrow the entire distance. Hence, suppose that the canal were enlarged to 1,000 tons capacity, as is proposed, still, even then, smaller boats, as 200 or 250 tons, could be used more economically than one large vessel of equal burden. There are certain and well-defined principles which are thoroughly understood by practical engineers, and which are involved in this inquiry. It would also require, probably, four times the amount of capital to construct one staunch lake-vessel of this size than an equal tonnage of smaller vessels suitable for canal-navigation, and carrying an equal amount of freight. Hence, although vessels navigating the lakes might also navigate the canal, it would be found far cheaper and more economical to transship at Buffalo on to lighter and smaller vessels for the canal. Experience even now has induced the adoption of this plan. The capacity of the Erie Canal is for vessels of about 225 tons; but probably not one-tenth of the boats on that canal are of that tonnage; and probably not more than one-fourth reach 150 tons, and by far the largest proportion do not much, if any, exceed 125 tons. Experience has demonstrated that the larger boats are not profitable and cannot be used to advantage, especially with the present propelling-power, to wit, horses.

BREAKAGES IN THE CANAL AN INSURMOUNTABLE OBJECTION TO ENLARGEMENT.

If all other objections and difficulties could be overcome, the repeated and disastrous breakages which are constantly occurring would render this route utterly unsuited, as well as inadequate, to the wants and necessities of the West. Hon. James F. Joy, of Detroit, stated, in that convention at Detroit, in 1865, as follows:

I think I hazard nothing in saying that the break in the Erie Canal by the floods last spring, only for a period of three weeks, occasioned a greater loss by far to the holders of western produce, seeking the market, than this proposed canal (the Niagara Falls Canal) would cost, even though it should reach $25,000,000. (Report of the convention, page 87.)

Since then there have been three breaks equally disastrous and continuing much longer. The break near Rochester, in the spring of 1871, lasted about six weeks, and carried wide-spread ruin and disaster among

the grain-dealers and farmers in all the Western States. Should the canal be enlarged to the proposed dimensions, the conclusion is inevitable that breaks would be quite as frequent and far more disastrous than now, because there would probably be nearly ten times the volume of water.

THE HOT WATERS OF THE CANAL.—SOUR GRAIN CARRIED IN BULK.

But over and above all these objections, there is one which can never be overcome—*that* is the temperature of the water during the summer months; indeed, during nearly all the season of navigation. During that period, these waters are denominated, by boatmen and others acquainted with them, as "hot," and they are most emphatically so. Vast amount of damage is done every year to grain carried in bulk, especially wheat and corn, and more especially the latter, if they have become at all damp in the passage down the lakes, or were in a somewhat unmatured state when shipped, as is often the case. This objection to the Erie Canal can never be overcome. One western shipper once described this risk to a member of this committee as "almost equal to a passage through the Gulf of Mexico and around the Florida Keys in the hottest season of the year." There is an actual difference in prices between flour, wheat, and corn going by canal of about 5 per cent., and oftentimes much more, being that much less than the prices of the same articles carried by rail in all the eastern and European markets. This difficulty can never be removed by any enlargement of the prism of the canal, especially on that part of it where the cold waters of Lake Erie cannot be used, which will include nearly two-thirds of the whole length of the canal. This risk and depreciation cannot be encountered by western agriculture in its present and prospective magnitude, if there be any possibility of avoiding it. That depreciation is a dead loss to the West of more than $2,000,000 per annum.

THE EARLY FREEZING OF THE CANAL.

The capacity of the canal is so entirely inadequate to the demand, that vast amounts of western produce are annually pushed forward at so late a period that immense damage and loss are incurred by western shippers, *especially* if there be a premature closing of the canal. Sir Morton Peto, in his work on America, published ten or twelve years ago, states, that, "in one instance coming within his own knowledge, 40,000 barrels of flour were detained several months in consequence of this delay, and the owner ruined thereby." He further says, "A vast mass of produce is yearly destroyed from the inability of the carriers to forward it. The owners are ruined, and parties in the Eastern States, who advance money on this produce, charge excessive rates to cover the risks of delay. These delays, risks, and losses will increase with the increase of western agriculture; whereas if continuous navigation, by way of the lakes, were opened, the capacity of that route would be so great—indeed unlimited—that ten times the present products of the Western States could be moved to market long before the close of navigation." It would be difficult to give a more correct and faithful description of this whole question than is done by the author of that book in this short sentence. Besides, lake-navigation is not subject to this damage by heating, because the waters of the lakes are always cool, and grain carried in bulk never becomes heated on the passage, although sometimes it incurs dampness. This, however, does not prove to be a serious

objection to lake-navigation, because of the rapidity with which lake-vessels, especially steamers, move from the port of shipment to that of discharge; the average speed being at the rate of eight miles per hour, or two hundred miles in twenty-four hours, equal to the average speed of freight trains.

We think we have demonstrated in another place, by proof which cannot be impeached, that navigation by Lake Ontario and the Saint Lawrence would be more than a month longer than by the Erie Canal, the average time down that river being 270 days; by the Erie Canal 230.

THE GENEROSITY OF THE WEST APPEALED TO TO DESIST FROM THIS ENTERPRISE BECAUSE NEW YORK HAS EXPENDED LARGE SUMS IN THE CONSTRUCTION OF THE ERIE AND OTHER CANALS OF THAT STATE.

When, however, all other arguments fail to convince the people of the West that the Erie Canal is all-sufficient for their demands and necessities, their generosity is appealed to because the State of New York has expended large sums of money in the construction of that and other canals. This argument found expression in the remonstrance of the Buffalo Board of Trade sent to the Detroit commercial convention held on the 13th of December, 1871. (See page 34 of its proceedings.) This remonstrance is entitled to great consideration as emanating from a body of business and commercial men of great influence and respectability, including nearly all of her wealthy and principal business men. That remonstrance may be condensed under the following heads:

First. The West ought not further to prosecute this enterprise (Niagara Falls Ship-Canal) because the State of New York has, with great magnanimity and at great expense to her treasury, opened up a large and adequate means of transportation of western produce to eastern and European markets, to wit, the Erie Canal. This plea is always put forth whenever this question of the Niagara Falls Ship-Canal is agitated or efforts made to secure its construction.

In examining this assumption we have not one word to say in disparagement of that water route. We readily concede all the good it has done in the past, in the development of the country west of the lakes. But when it is assumed that this work was begun and prosecuted to final completion through the superior patriotism and magnanimity of the people of the State of New York, we beg leave to suggest our dissent. The record is somewhat, indeed entirely, different. The action of the people of that State in relation to the construction of the Erie Canal can be accounted for upon entirely different principles, which is the true interpretation, and which at the same time does not in the slightest degree impugn the magnanimous motives of the noble and patriotic citizens of that State. In the report of the engineers and surveyors on the New York canals for the year 1868, pages 12 and 13, it appears that the tolls and other receipts of the Erie and Champlain Canals up to 30th of September, 1861, paid the cost of their construction, enlargement, extension, and improvement, and interest thereon at the rate of about 7 per cent. per annum, and the cost of repairs, maintenance, and collections thereon to that date, and over and above all these charges left a surplus of net profits to the State of $38,455,560.61. That is a pretty good showing as a mere business transaction, to say nothing about patriotism, magnanimity, and all that. That same report shows that twenty-nine-thirtieths of that enormous amount (more than $75,000,000) came from tolls levied upon commerce coming from or going to the

country lying west of Lake Erie. In 1868 the New York canals transported 6,442,225 tons of freight, (report of auditor of the canal department, page 67,) about nineteen-twentieths of which was carried by the Erie Canal. Only 201,654 tons (or less than one-thirtieth of which) was the growth or product of the State of New York. The report for 1871 (page 67) shows that between the years 1835 and 1871, both inclusive, those canals carried 124,432,939 tons of freight, only 4,314,431 tons of which was the growth or product of that State.

NET EARNINGS SINCE SEPTEMBER 30, 1861.

The financial report of the auditor of the canal department for the year 1871 (page 68) shows that the net earnings of those canals from 30th September, 1861, up to the close of the fiscal year September 30, 1871, amounted to the sum of $32,970,269.29. That same report shows that the surplus revenues of the canals of the State, from 1836 to 1871 inclusive, amounted to the sum of $72,424,797.21. The whole of this amount is to be credited to the Erie and Champlain Canals, because the balance of the canal system of the State, amounting to more than five hundred miles, has cost, in principal, interest, and expenses, over and above the income derived therefrom, $43,733,378.19, as will be seen by the annexed table prepared from the auditor's report for 1871:

Statement of receipts and expenditures on account of the several canals of the State of New York, other than the Erie and Champlain Canals, taken from the report of the auditor of the canal department, for the year ending September 30, 1871, from page 78 to 105, inclusive; the statement of receipts only include tolls, sale of lands, and water-rents.

Canals.	Years.	Expenditures.	Receipt of tolls, &c.	Deficiencies.
Oswego	1826 to 1871	$8, 750, 224 13	$3, 517, 622 23	$5, 232, 601 79
Cayuga and Seneca	1825 to 1871	3, 244, 070 16	954, 317 32	2, 289, 752 84
Chemung	1830 to 1871	4, 362, 125 83	504, 207 30	3, 857, 918 58
Crooked Lake	1831 to 1871	1, 005, 241 99	44, 448 76	960, 973 23
Chenango	1833 to 1871	9, 697, 073 21	719, 135 75	8, 977, 937 46
Black River	1837 to 1871	7, 423, 348 13	174, 117 22	7, 249, 230 91
Genesee Valley	1837 to 1871	16, 920, 121 51	739, 884 42	16. 180, 237 09
Oneida Lake	1841 to 1871	640, 999 31	65, 180 51	575, 818 80
Baldwinsville	1853 to 1871	39, 641 93	1, 261 48	38, 380 45
Oneida River improvement	1839 to 1871	583, 378 46	212, 671 48	370, 706 98
		52, 666, 224 66	8, 932, 846 47	43, 733, 378 19

Statement of receipts and expenditures on account of the above-named canals, for the years 1869 and 1870, taken from the same report and pages.

Canals.	Years.	Expenditures.	Receipt of tolls, &c.	Deficiencies.
Oswego	1869 to 1870	$563, 653 51	$295, 241 56	$268, 411 95
Cayuga and Seneca	1869 to 1870	188, 368 61	65, 158 19	123, 210 42
Chemung	1869 to 1870	224, 016 02	15, 499 17	208, 568 85
Crooked Lake	1869 to 1870	59, 731 45	740 55	58, 996 90
Chenango	1869 to 1870	843, 767 83	42, 198 56	801, 567 27
Black River	1869 to 1870	354, 956 20	23, 802 54	331, 153 66
Genesee Valley	1869 to 1870	622, 506 61	39, 953 10	582, 553 51
Oneida Lake	1869 to 1870	278, 682 80	.....	278, 682 80
Baldwinsville	1869 to 1870	5, 432 70	.....	5, 432 70
Oneida River improvement	1869 to 1870	52, 223 12	.....	52, 223 12
		3, 190, 338 85	478, 392 67	2, 701, 801 18

Now, allowing New York to furnish one-thirtieth of the business to her productive canals, (which will be about her fair proportion,) and she

has contributed $90,393.33 toward the payment of the debt incurred in those two years for the support of those unproductive canals. Leaving a balance to be levied upon the commerce of the country passing through and beyond her limits of $2,621,407.85, for the years 1869 and 1870, which is an average of $1,310,703.92 per annum, levied upon that commerce passing through and beyond her limits, to support her system of unproductive canals, which are not one particle of benefit to any portion of the country except herself. It was, therefore, with a great deal of significance, as well as truth, that Mr. Allen stated, in the Detroit commercial convention of 1865, "that New York, with one arm on the ocean and the other on the lakes, commanded the highway of commerce between the East and West," and was not to be disturbed with impunity in the good thing she was then, as now, enjoying in her canal system, unproductive as well as productive.

It will not be necessary to cite specific authorities to prove that at least eight-tenths of this enormous sum of money has been levied directly upon the agricultural industry and commerce of the people of this country living west of the lakes; and that this system of taxation is still going on, not only to pay off the balance of her canal debt, but also to maintain her system of unproductive canals, which are for her own exclusive use and benefit. This charge exceeds one and a quarter million dollars per annum, twenty-nine-thirtieths of which comes directly out of the pockets of the people of the United States, residing beyond the limits of the State of New York. So much in reply to the claim of "generosity" in the construction of the Erie Canal. The course of the State of New York, stimulated and mainly incited by the citizens of Buffalo and other promoters of the oppressive system of monopoly, which they have succeeded thus far in maintaining, as to call out the following rebuke from one of her most patriotic, public-spirited, and wealthy citizens, one, too, whose private interests would be far more effectually promoted by the policy which he condemns than by the liberal and patriotic one which he advocates.

Gerrit Smith to Horace Greeley.

A PLEA FOR THE SOUTH.

"Considering thyself, lest thou also be tempted."

PETERBOROUGH, *March* 6, 1865.

MY DEAR SIR: I have not taken up my pen to defend the South. The extent of my present plea for her is simply to say, and briefly to illustrate, that there is one point at which she is little if any worse than the North—and this, too, although it is right here that the North judges her most severely. The point to which I refer is weakness of national and patriotic feeling. Very remarkable, I admit, is this weakness in the South. Else she would not have fallen off from the nation: else her slave-holding and selfishness would not so easily have overcome her patriotism. But this weakness is perhaps no less at the North. If slave-holding and consequent love of rule can produce it at the South, so can greed of gain produce it at the North, and perhaps quite as abundantly.

New Jersey imposes a transit duty on the citizens and commerce of the other States; also on the mails; ay, and even on soldiers, who are pressing forward to shed their blood in defense of their country. My complaint is not chiefly because this transit duty violates the exclusive right of Congress to regulate commerce between the States, to establish post-roads, and to raise armies—the right to raise which, of course, implies the right to move them. Immeasurably more is my complaint because this transit duty violates those laws of neighborhood and fraternity, of intercourse and fellowship, which bind together the people of every worthy and happy nation. In effect, and to no small extent, New Jersey has seceded from the nation. That she has not seceded from it directly and entirely is only because she has not been tempted to do so. With no affection for her sister States, and with no patriotism to make her national, she would not, unless obliged to, remain in the Union a single year after her selfish interests should begin to clamor for her withdrawal from it.

The State of New York is proving herself to be no less selfish, unpatriotic, and unnational than the State of New Jersey. In two respects the Western States are unfavorably situated. 1st. They are so far from market as to make transportation very expensive. 2d. So bulky are their staples that the present highways are very far from sufficing for their transportation. Hence their last year's crop is still largely upon their hands. In these circumstances their call is loud, and increasingly loud, for more and cheaper outlets. For one of these outlets they look to the Niagara River. But the State of New York (if we call her legislature herself) will not let them use this river—will not let it be improved and fitted for their use. By all that is patriotic and national, just and generous, fraternal and religious, she is urged to permit it. Nevertheless, she withstands the appeal. For she thinks she can make money by withstanding it; and it is money that she is after.

* * * * * * *

I do not complain of Buffalo for opposing this improvement. I do not complain that her selfishness in opposing it seems to be as great as the selfishness of Oswego in advocating it. In weighing this great matter, the spirit, as well as the interest, of these towns is to be "counted as the small dust of the balance." By the way, Buffalo is blind, and Oswego may be sadly disappointed. Whatever shall contribute to draw the produce of the West to the foot of Lake Erie will be for the interest of Buffalo. The Niagara River would, with its proposed improvement, be lined with ship-yards—ship-yards for both lake and ocean vessels. Where could the materials for ship-building and for a vast variety of manufactures be more easily collected? These ship-yards and manufactures would be largely Buffalo's. The unequaled water-power created by this improvement would also be largely Buffalo's. From her commanding position, great population, and great wealth, Buffalo would necessarily have the lion's share of that vast commerce, which would soon make the Niagara River and the foot of Lake Erie one of the busiest scenes of earth. Surely danger to Buffalo is not from routes which lead to her and by her. It can be only from such as lead elsewhere—as for instance, from present and projected routes through Canada, and from rivers, canals and railroads, that attract commerce from the region of the Lakes to Philadelphia, Baltimore, and western cities. As to Oswego, who hopes to share so largely in the increased commerce of Lake Ontario—she may be left to wonder that so much of it turns into Rochester and so much into Sodus, and that so much goes down to Ogdensburgh, to Montreal, to Portland and Quebec. In passing, let me say that one of the loudest objections to this improvement of the Niagara is made in the name of patriotism. The objection I refer to is that the improvement will divert western produce from our own to foreign markets. But if this objection is well taken, then we have in it the very strongest commercial argument for the improvement. By all means let us have it, if it shall give to eight or ten of our Western States better markets in Montreal and Quebec than they now enjoy in Portland, Boston, New York, Philadelphia, and Baltimore. For what, compared with the vital interests of these States, is the consideration that a few of our great cities will grow somewhat faster if they have the undivided trade of these States.

Away with all this narrowness! No man, who is the subject of it, is worthy of being called a statesman. Give to the West the best possible markets, be they within or without the nation. Would too that they could be given now, while she is suffering so much from the war, and while the commercial and manufacturing East is profiting so much from it!

I fear, however, that the improvement of the Niagara would not, to any considerable extent, give new and better markets to the West. Probably nearly all her commercial gains from it would be the cheapening of transportation to her old markets; and, by the way, this cheapening would be not so much because the Niagara is the cheapest route, as because it would add another to the competitive routes. It is increased competition for the transportation of her products that the West needs.

I said that the objection in question is made in the name of patriotism. The objection, as well as the patriotism, is affected. Poor is that patriotism which does not go for the country and the whole country. And as to the objection—they who urge it do not believe in it. They make little account—in my judgment less than they should—of a river whose mouth is blocked up half the year with ice. It is interest in Buffalo and in the western portion of the Erie Canal that urges the objection.

I said that it is not of Congress nor of Buffalo that I complain. It is of our own State—a State that I long to see as wise and just, as generous and patriotic, as she is rich and populous. A year ago she refused to incorporate a company for making this necessary improvement in the Niagara. Would that she could now see it to be her duty to incorporate such a company! This, however, is hardly to be expected in the light of the fact that she has so recently planted herself squarely and effectually in the way not only of the congressional but of every other authorization of the improvement. Had she but said that this is no time for the Government to incur a debt for such a work, I would not have censured her. But as she said that the people of the Western States should not cross her territory except where she pleased and at what

price she pleased, I hasten to condemn her. By the way, how stupid in two points of view is our State in dreading the Niagara River as a rival to her Erie Canal. 1st. It is her own river, leading down her own lake and its outlet; and therefore why should she dread it? 2d. The improvement of that river may be indispensable to save her from the fast-multiplying rivals beyond her borders. Instead of being wisely afraid of others, she is foolishly afraid of herself. Or rather, she refuses to adopt another means of defense against foreign rivalry lest it may prove more effective than her present means. A very silly nation would be that which should refuse to build a new fort lest it might do more execution than the old one.

And then how ridiculously conceited is our State in assuming that her present avenues for western commerce are superior to all possible avenues for it out of the State! It may turn out that, even if we shall avail ourselves of our greatest natural advantages for attracting that commerce, we shall nevertheless fail to enjoy any very large portion of it. There are far shorter routes north of us; and the routes south of us, not to speak of their other advantages, are favored with a climate far less rigorous than our own. In fine, it may turn out, not that the improvement of the Niagara River is indispensable to save to Buffalo and the State of New York a large share of western commerce, but that, even with this improvement and every other possible improvement to that end, the most of it will go elsewhere. When was there ever greater stupidity or greater conceit than that which our State is now illustrating? She is virtually boasting that, with one hand tied, she can still whip the world. But she may yet see that if she had as many hands as Briareus, she would nevertheless need them all to reach successfully after the bulk of western commerce. Utterly contemptuous of all commercial rivalry is she. Utterly contemptuous, in this respect, is she of Boston and Philadelphia; and of Baltimore too, who, now that she is relieved of the incubus of slavery, is to be no mean competitor for the trade of the West. Of the Saint Lawrence she makes no more account than does Behemoth of a river. "Behold, he drinketh up a river, and hasteth not." And as to little Mississippi, it is but enough to rinse her mouth with, as Jordan was but enough for the like service to Behemoth. "He trusteth that he can draw up Jordan into his mouth." She allows her present commercial pre-eminence to assure her of her future commercial pre-eminence. Certain is she that "To-morrow shall be as this day and much more abundant."

Poor State of New York! She is shriveled by her petty policy; and this petty policy has come of her vanity and greed. Tell her that the improvement of the Niagara will add to the business of her canals and railroads an drivers and towns, and she will straightway answer you that her tolls in this or that section may be diminished by it. She is after tolls instead of commerce. In her folly she makes tolls the primary and commerce the secondary consideration. She "holds at the spigot while it runs at the bung."

Alas, our States! No wonder they have fallen asunder. Slavery and avarice have done their work upon them. Instead of loving each other, and working together to build up the noblest nation on the earth, they, like the States of ancient Greece, are jealous of each other, and hate each other, and work against each other. Seeing that our nation is composed of such selfish and mutually warring elements, what better can we expect for her than a short and unhappy existence?

The doubt is sometimes expressed whether we Yankees are capable of becoming Christians. The reason for the doubt is that our individuality is so intense; or, in less flattering phrase, that we are so intensely selfish, and so prone to pull and haul, each to his own side and to his own interest. For the like reason may it not be doubted whether we Yankees are capable of becoming a prosperous and permanent nation?

New Jersey a Christian State! New York a Christain State! Say not so! To be a Christian is to fall in with Christ's God. But who is so foolish as to believe that Christ's God sees with complacency New Jersey and New York so greedy of gain as to throw themselves across the pathway of His children, and demand a fee for allowing them commercial and fraternal intercourse? Does Christ's God refuse His Niagara River to His children in the Western States? O no! He made it for them more than for His children in this State, because they need it more.

And say not that New Jersey and New York are patriotic and national States. They are breaking up our nation; and this, too, under an infinitely feebler temptation than that which the Southern States yielded to when they broke off from it. The time is past for saying to either New Jersey or New York: "Considering thyself, lest thou also be tempted." They have both been tempted, and they have both fallen. And so long as they continue to deny to their sister States the right of way—a right as clear, certain, and natural as the right to breathe—so long will the man, who judges States by their dispositions as well as their deeds, class New Jersey and New York with South Carolina and the other rebel States.

Surely, surely, if the day shall ever come when a sounder patriotism and a juster understanding of commercial interests shall obtain in the State of New York, it will not then be held to have been an honor to belong to her legislatures, which refused the people of the Western States a cheaper route across her territory.

I said that we must not call New Jersey and New York Christian States. Christ's religion bids us extend good not only to sister States, but it bids us "go into all the world" with the good—even down the Saint Lawrence.

What must we poor Yankees do? We cannot adopt Auguste Comte's positive religion, for that expressly desires us to live "*pour autrui*"—for others—for "family, country, humanity." We cannot adopt that religion, for we insist on self-seeking as our practical rule. Nor, though we loudly profess it, can we really adopt Christianity. For this religion not only requires us to live for all mankind, but for their Maker also. Are we fated, then, to be nothing better than self-seeking atheists?

With great regard, your friend,

GERRIT SMITH.

Hon. HORACE GREELEY.

Second. Another reason urged by the Buffalo Board of Trade against the further prosecution of the enterprise for the construction of the Niagara Falls Ship-Canal is "that, by the opening up of this water-route to the Atlantic Ocean, the agricultural products of the West, going to a European market, would reach their destination down the river and gulf of Saint Lawrence by a route 700 miles shorter than to go by the Erie Canal and Hudson River to New York City, thence to Europe, and thereby the trade and commerce of that city and the Erie Canal would be very greatly damaged."

Here the Board of Trade of Buffalo appeal directly to the patriotism of the people of the West. This appeal ought, under all ordinary circumstances, to have great weight in the determination of any question of the magnitude and importance of this. But we must remember that the Erie Canal is, at the present time, by the free and unqualified admission of its friends, utterly inadequate to meet the reasonable demands and necessities of the people of the whole country, and more especially of the people of the West; and yet the people of the State of New York at the autumn election in 1868, on a question of "enlargement of the Erie Canal," voted *against* the proposition by nearly one hundred thousand majority. And yet the Board of Trade of Buffalo, and through them possibly a large portion of the people of the State of New York, in somewhat piteous terms appeals to the people of the West "not to inflict so great an injury upon the people of that city and State as to divert their trade to Europe and the Eastern States down the Saint Lawrence," although it be more than eight hundred miles shorter than by the Erie Canal and New York City, and although they can carry their produce to those markets for less than one-third the cost. (See Buffalo protest, page 35, in proceedings of Detroit convention, 1871.) This appeal would almost seem to be a direct insult to the intelligence and independent spirit of the people of the West, but surely it could not have been so intended. Still this supposition has additional illustration in the action of that Board of Trade and the city council and citizens generally of Buffalo during the pendency of a law granting the right of way for the Niagara Falls Ship-Canal before the legislature of the State of New York at its last session, 1872. They sent down to Albany an immense lobby (several hundred) expressly to work against and if possible *defeat* that bill, and they *did* defeat it. It would appear that the language of Mr. Allen, of Buffalo, in the Detroit commercial convention in 1865, (proceedings, page 93,) is the language of Buffalo and its confederate monopolists of to-day. Mr. Allen said:

The Empire State, (of New York,) with one arm on the lakes and the other on the ocean, *commands* the route to the sea-board, and was not to be insulted by that convention.

What was that convention and those gentlemen doing that should call out such a portentous and significant warning from one of the most prominent and wealthy citizens of Buffalo? Simply and only this: rep-

resentative men, as delegates from nearly every State and commercial center in the country, as also from every province and every city in the Dominion of Canada, to the number of about seven hundred, had peaceably and quietly come together at Detroit to consult together, and, if possible, devise some plan to cheapen transportation between the East and West. One plan proposed was this ship-canal. That was all the cause there was for this fiery menace. Such also was the object of the Detroit convention in 1871—"cheap transportation"—nothing more, nothing less. The people of the West will, therefore, understand that any *attempt to secure "cheap transportation" by going round the falls of Niagara*, will be considered as an "*insult to the great State of New York*," (*the Empire State.*) We cannot view the question in that light, nor do many of her most prominent citizens. The following additional letter of Hon. Gerritt Smith sets forth the action of the legislature of that State on this subject in its true light:

NIAGARA SHIP-CANAL.

The people of our Western States rely on the sale of their surplus produce to furnish themselves with the comforts and conveniences of life. Hence their chief concern is to get the largest price for it—the largest net payment for it. To this end they seek out as many markets as they can, and the most favorable routes to them. Surely there is nothing in all this that is unreasonable; nothing in this that others should not take pleasure in permitting and promoting. Nevertheless in these important respects the State of New York not only shows no favor to the West, but arrays herself in positive and heartless opposition to it. The West wants a way to market through a canal around Niagara Falls, and she is willing to pay for the few acres of land which the canal would take. But the State of New York, through her legislature, withholds her consent; and withholds it under the plea that this canal would divert some of this western produce from the Erie Canal.

Surely, such a selfish and narrow spirit as is here exhibited by our State, would, if exercised by one individual toward another, be condemned by all right-minded men. The generous and fraternal spirit which should actuate States and nations as well as individuals in their intercourse with each other, would rejoice not in shutting out the West from this or that market, but in facilitating her access to as many markets as possible. Of comparatively little moment to the State of New York is it whether the Erie Canal shall have somewhat more or somewhat less of western freight; but a vital question to the West is it whether she shall enjoy the best markets and the best routes to them.

This making money out of the necessities of others—necessities, too, which we are responsible for producing—is a mean and wicked business; and this is the mean and wicked business which the State of New York is carrying on against her western sisters. But will she be able to do more than *to try* to make money out of their necessities? More probable is it that she will lose than make out of them. Her unrighteous greed of gain is carrying her too far for her own success. It will drive the West to markets through Canada, Pennsylvania, and the Mississippi.

Fighting in this wise against the Western States, New York fights against their and her Common Father. His will, as revealed in all nature and providence, is that States and nations, as well as individuals, are to help and not hinder each other; and that they are to find their prosperity and happiness in the practice toward each other not of selfishness but of benevolence. "The earth is the Lord's and the fullness thereof." Hence we are to use it and suffer it to be used in harmony with His laws and His loving-kindness. To withhold from the West her vitally needed use of these few acres around the great cataract is virtually to deny the title of God himself to them.

How long will our United States remain united? Only so long as they shall deal righteously and fraternally with each other. They will soon fall apart, if that spirit shall become general among them which New York is manifesting toward her western sisters. The South adopted the bad policy of dissolving the Union. Let not New York also adopt it.

GERRITT SMITH.

APRIL 8, 1872.

The reply, by its resolutions, of that Detroit convention, of 1865, is the very best answer to the menace of Buffalo, as expressed by Mr. Allen, on the attitude and action of that State, that can be given, to wit:

3d. *Resolved*, That the State of New York, geographically located on the highway of

commerce, between the great chain of lakes, to the sea-board, and having within her borders the commercial metropolis of the nation, is bound, by every consideration of interest and true policy, and *by the comity she owes her sister States*, to improve and enlarge the shortest water-communication between the lakes and tide-water. *Failing to do so, she must not complain if a portion of her great inland commerce shall be diverted through other and cheaper channels of communication.* (Proceedings of convention, 1865, page 96.)

That is the *only*, because the *best*, answer we can make to all the threats and menaces which, on all occasions, are constantly emanating from a portion of the people of that State whenever this question of "cheap transportation" comes up for discussion and elucidation. Had the people of that State shown the least disposition to meet the reasonable demands and necessities of the people of the West for greater facilities and cheaper rates of transportation, they, and especially the people of Buffalo, would not, in all probability, be alarmed and constantly harassed in the possession and enjoyment of those monopolies which they have succeeded in fastening upon the industry and commerce of the West by the continued and persistent efforts of the western farmers, laborers, and commercial men to break down that rocky barrier at Niagara Falls, and thus to reach the Atlantic Ocean.

But perhaps we are judging the people of that State too harshly. In all the opposition of the people of New York to the proposed enlargement of the Erie Canal, and more especially when that vote on the question was taken, in 1868, they fully understood the difficulties and objections (heretofore set forth) against the attempted enlargement of that canal. They well knew that it was a practical impossibility, because their engineers, and other public officers whose duty it was to solve that exact question, and who had faithfully and successfully done so, had repeatedly told them so; and therefore they had intelligently voted *against* the proposition of enlargement because they *knew* that it was an utterly impracticable scheme. They *knew* that it was utterly impossible to supply water on the "Syracuse level" for any enlargement whatever; and they knew also that it was equally impossible to bring the waters of Lake Erie up on to that level. And much more than these facts did the people of the State of New York know, and thus they voted *against* enlargement, and will probably do so every time the question comes up; and they will do right. It will be just so much of the public money thrown away and utterly wasted. And more especially do they know that such enlargement cannot meet the demands and necessities of the people of the West.

RIGHT OF TRANSIT FOR THIS CANAL GRANTED BY THE LEGISLATURE OF NEW YORK.

But we probably do the people of New York injustice in another particular. Thus far we have treated this subject as if the people of that State, in their legislative and official capacity, had obstinately and persistently refused the right of transit for this canal across their territory. Such, however, is not the fact. In the session for 1840 the legislature adopted the following joint resolution, which has the full force and effect of a statute, to wit:

RESOLUTIONS relative to ship-canal around Niagara Falls.

Resolved, (if the senate concur,) That the consent of this legislature is hereby given to the construction, by the Government of the United States, of a ship-canal around the falls of Niagara, and that the Senators and Representatives of this State, in the Congress of the United States, be requested to use their best efforts to procure the passage of a bill for this purpose.

Resolved, (*if the senate concur*,) That the governor of this State be requested to transmit to each of the Representatives of this State, in the Congress of the United States, a copy of the foregoing resolution.

In assembly, February 15, 1840.

By order:

P. B. PRINGLE, *Clerk.*

IN SENATE, *April* 18, 1840.

Resolved, That the senate do concur with the assembly in their said resolutions.

By order:

SAM. G. ANDREWS, *Clerk.*

(Session Laws and Concurrent Resolutions of the Legislature of the State of New York, session 1840, page 250.)

RAILROADS CANNOT FURNISH CHEAP TRANSPORTATION.

Of railroads little need be said—nothing to their disparagement—only *this*, that they can never give to the country "*cheap transportation.*" In this, as in all other systems and enterprises, there is a point in the scale of prices below which they cannot go, and no reliance whatever can or *should* be placed, by the business interests of the country, upon any *temporary* reduction *below* that point. Should, for example, two cents per ton per mile be the minimum point in the price of profitable railroad transportation, any reduction *below* that point would and *could be* only temporary, and, in the end, would work disaster and ruin to all classes of business alike—transportation, manufacturing, agriculture, and commerce, and the railroads as well. Every continuous line of railroad from the Atlantic sea-board to the foot of Lake Erie has cost about $100,000,000; at least *that* is the amount of stock represented. The experience of this country, as also of Europe, *is*, that every railroad, including rolling-stock, depots, road-bed, indeed everything, wears out entirely once in ten years. This does not include casualties by breakage, fire, &c. This will require a levy upon the public travel and business of the country passing over it of 10 per cent. per annum on the whole capital stock invested, to keep it in repair, and at least 10 per cent. more for operating expenses, breakage, and other casualties, interest on capital invested, dividends, &c., making 20 per cent. in all, or $20,000,000 upon every $100,000,000 invested. It will be readily understood that, under such circumstances, that road cannot by any possibility furnish cheap transportation and at the same time do a safe and remunerative business. The same ratio holds if the capital invested be only one-half, or any other amount.

The amount which such a road would be obliged to levy upon the industry of the country in a single year to keep up those repairs would very nearly open up this entire water-route to its utmost capacity from the valley of the Missis-sippi to the Atlantic Ocean.

This, however, is but one of several roads—four or five, all of which *must* do precisely the same thing, at the same time their carrying capacity *one way* (from West to East, for example) does not exceed two and a half million tons per annum. Experience has demonstrated that railroads cannot reduce their rates *below* 2 cents per ton per mile and do a safe or profitable business.

On pages 433 434 of the State engineer's report of New York for the year 1863, the rates of transportation on the New York Central and New York and Erie, from 1856 to 1861, inclusive, range from 1 cent and 8 mills to 3 cents and 4 mills, and average about 2 cents and 4 mills per ton per mile, making an aggregate for the whole distance of upward of $10 per ton, or more than 30 cents for a bushel of wheat. On page 130 of the report for the year 1864, the charges for the years 1862-'63 were as follows: In

1863, Erie road, 1.89 cents per ton per mile, of which 61.93 per cent. was actual cost of transportation, and of course 38.07 per cent.—about ¼ of a cent—was profit; that is the percentage to be levied to keep the road in repair and other purposes, and does not include wear and tear, breakage, interest on capital, &c. For the year 1863, the charges and expenses for transportation were considerably higher, the cost and profit being in about the same ratio.

Taking the thirteen principal roads of that State, (New York,) and the average charge for those years (1856–'63) was about 2.78 cents (about 2¾ cents) per ton per mile, of which about 55 per cent. was actual cost of transportation, and of course 45 per cent. profit. This would be about 35 cents per bushel on wheat. This does not include interest on capital invested, breakage, wear and tear, &c. These included, and the margin of profit would be very small, if anything at all. In 1864 the average charges on the Erie road were about 1 cent and 7 mills per ton per mile, or about one-fourth of 1 cent per ton per mile less than cost. The annual report of the auditor of the canal department of New York for the year 1868 shows that the average charges for transportation of freight over the roads for that year were about 2¾ cents per ton per mile. These charges will average about $31 per ton, or about 78 cents for a bushel of wheat from the Mississippi Valley to New York City. The average rate now charged by roads west of the lakes is about 4 cents per ton per mile. Special rates are somewhat lower, but seldom less than 3 cents per ton per mile. *Water-transit never exceeds 1 cent per ton per mile.* During the season of water-navigation through the lakes and Erie Canal, and with railroad transportation only to the lakes, these charges could be, and probably are, somewhat reduced, and are much lower when there is not a pressure upon the tonnage capacity of the vessels on the lakes and canal. But during the months of September, October, and November, when all the present avenues of transportation are taxed to their utmost capacity to move the wheat and other crops of the West to market, the charges of transportation run up to more than double those rates—often to 5, 6, 7, and 8 cents per ton per mile. It is a common saying among large transporters on the Erie Canal, "that if they can make their boats pay expenses during the season, and secure one load to each boat at the high rates during the pressure of moving the western grain-crop to market, *they have made an excellent season's business.*" The foregoing are but a few brief examples taken from a vast amount of record evidence on this subject of transportation by rail, all of which clearly and unmistakably establishes the proposition that "cheap transportation" by rail is entirely out of the question. It can never be secured. Experience has most incontestably demonstrated that they cannot reduce their rates *below* 2 cents per ton per mile and do a safe or profitable business. We must, therefore, look to other agencies to secure the needed demand, to wit, "cheap transportation." Experience has also demonstrated that the agricultural interest of the West must have transportation from the interior to the Atlantic sea board, at a rate not to exceed 5 mills (½ cent) per ton per mile, as it now has on the great lakes. This it can *only* secure by means of the proposed water-route. *With* that route the West can successfully compete in the grain-markets of western Europe, with the Baltic and Black Sea provinces, and not before.

COST OF TRANSPORTATION FROM THE BALTIC AND BLACK SEAS.

It costs about 35 cents per bushel to transport wheat from the Baltic provinces to Liverpool, and about 45 cents from the Black Sea provinces.

Now, to successfully compete with that wheat in the Liverpool and other markets of Western Europe, we must reduce the cost from the grain-fields of the West *to* those markets to about 30 cents per bushel. This can only be done by reducing the cost of water-rates. And this can only be secured by opening up continuous steam-navigation of large capacity from the valley of the Mississippi to the Atlantic Ocean. That prices will thus be reduced by opening this route will be most clearly demonstrated by referring to the following tables:

Route from Dubuque, Iowa, by way of Wisconsin and Fox Rivers, the northern lakes, and river St. Lawrence, to Liverpool.

	Number of miles.	Rate per ton per mile.	Cost per ton.	Cost per 100 lbs.	Cost per bushel on wheat, 60 lbs.
		Mills.		*Cents.*	*Cents.*
Dubuque to mouth of Wisconsin River	70	3	$0 21	1.1	8.6
From mouth Wisconsin to Green Bay, via rivers and canal	280	5	1 40	7.0	4.2
From Green Bay to Montreal	1,061	2½	2 65	13.2	7.9
From Montreal to Liverpool	2,850	2	5 70	28.5	17.1
Add two transfers	.....	.....	20	1.0	.6
Total	4,261	.....	10 16	50.6	30.4

*Route by rail to the lakes, thence by lake to Buffalo, thence by the Erie Canal and Hudson River to New York, thence to Liverpool.**

	Number of miles.	Rate per ton per mile.	Cost per ton.	Cost per 100 lbs.	Cost per bushel on wheat, 60 lbs.
		Cents.		*Cents.*	*Cents.*
From Dubuque by rail to Chicago	188	3.0	$5 64	28.5	17.1
From Chicago to Buffalo	1,061	.2½	2 65	13.2	7.9
From Buffalo to Albany, (canal)	350	.5	1 75	8.7	5.2
Albany to New York, (river)	150	.3	45	2.7	1.6
New York to Liverpool	3,150	.2	6 30	31.5	18.9
Add three transfers	.....	.....	30	1.5	.9
Total	4,899	.....	17 09	86.1	51.6

NOTE.—These rates are the lowest that are ever charged. When there is a heavy pressure on the several routes these rates are very often doubled, trebled, and sometimes quadrupled, and even rates still higher are exacted. Whereas, on the through lake route, such combinations to put up the prices on transportation can never prove successful, because its capacity, being practically unlimited, freights can be forwarded so rapidly in such vast quantities, and at such low rates, that there can never be a blockade, or pressure even, either upon *that* or any other avenue of transportation. Rates for transportation can never be "put up" or increased, unless freights have so much accumulated that they cannot be forwarded in good time. The whole opposition therefore to this water-route comes from the citizens of Buffalo, and those interested with them, in their efforts and determination to retain the power to create blockades in the freight business, and by that means to exact enormous charges for transit at certain seasons of the year. In other words, it is a persistent and relentless war of monopolists and moneyed combinations against the most vital interests of the whole country, and more especially the West. And what makes these efforts the more inexcusable and cruel *is*, that they operate directly and immediately upon those classes

* This table exhibits the lowest rates at which freights to or from the interior can be carried at a fair profit. The same is also true, generally, of the rates by the river and Gulf of Saint Lawrence.

least able to endure these exactions, to wit, the small farmers, who do their own work, scattered all over the broad prairies of the West, and the mechanics, operatives, and laborers in our eastern cities and manufacturing districts. If the costs of transportation be high, high prices for provisions, indeed, of *all* the necessaries of life, are inevitable. The one follows the other as sure as night follows the day. Hence the strikes and other difficulties among mechanics and operatives in cities and manufacturing districts.

The above rates on the Erie Canal are the minimum. When the pressure from the West is great to move the crop to market, transporters extort double, treble, and often even quadruple the usual rates. Shippers must get their grain and other produce to market; hence they must submit to these exorbitant rates or do worse. The railroads also enter into these oppressive combinations, and thus, between the two, enormous and ruinous extortions are exacted from the agricultural industry of the West. In all such combinations and extortions the farmers are the sufferers.

THE WELLAND CANAL NOT NOW AND NEVER CAN BE A SUBSTITUTE FOR THE NIAGARA FALLS SHIP-CANAL.

Some people, and among them many grain-dealers and other commercial men, claim that the Welland Canal can be so enlarged as to meet the demands and necessities of the country. Those thus holding cannot be well posted on the facts of this Welland Canal. There are several reasons why the American people should never accept that canal as a substitute for a canal around the Falls of Niagara on the American side:

First. The people of this country should always retain control of their own commerce between the two sections, to wit, the West and East, which they cannot do if they accept that canal in lieu of one on the American side. The original purpose of the British and Canadian governments in the construction of the Saint Lawrence canals, and especially of the Welland Canal, was to control American commerce coming down the lakes. The committee appointed by the Canadian legislative assembly in 1855 unhesitatingly affirm, in their report, (page 3,) "that the Saint Lawrence canals were constructed, at a large public expenditure, for the express purpose of drawing the trade of the Western States to the ports of Montreal and Quebec."

The Hon. A. T. Galt, finance minister of Canada, 1860, makes the same remark, and then goes on to say, "that the canals of Canada had cost that government £8,884,670, or $43,001,812, leaving only £22,272, or $108,796, as the total direct debt of Canada made for any other purpose; hence, that such legislation should be adopted by the Canadian parliament as that a revenue could be secured from American commerce, passing through them." Upon his recommendation a system of "*ad valorem*" duties was imposed upon our commerce, which was justified by the organs of the government on the ground "that the increase was rendered necessary to meet the expenditures in carrying out their system of internal improvements."—(Report of select committee of legislative assembly, 1858, to inquire into the course of trade with America, &c., page 3.)

Now if we depend upon the Welland Canal as a part of the system of continuous steam-navigation from the West to the Atlantic Ocean some such means will still be devised to levy those exactions upon our commerce, notwithstanding the provisions of the treaty of Washington "conceding the free navigation of the Saint Lawrence."

But it may be claimed that the same objection may be made against the Saint Lawrence canals. That may be true to some extent, but to a limited one only. By reaching Lake Ontario through a canal on the American side we secure, at Oswego and other points, *another* system of canals and railroads, extending to the sea-board, the competition of which will effectually protect us, on the one hand from the extortions of

the Erie Canal and railroads from the foot of Lake Erie, and on the other from like extortions of the Saint Lawrence canals. The history of the past clearly and incontestably demonstrates that the competition of the Welland Canal and the Canada railroads has not materially or even sensibly affected the enormous and oppressive monopolies which the Erie Canal and the New York railroads have succeeded in fastening upon western commerce; nor is there the slightest prospect that they can do so in the future, notwithstanding that canal may be enlarged to the contemplated capacity, to wit, one thousand tons.

THE CANADIAN GOVERNMENT CONTEMPLATES THE ENLARGEMENT OF THE WELLAND CANAL TO ONE THOUSAND TONS ONLY.

The Canadian government only contemplates the enlargement of the Welland and other canals of the Dominion to a capacity of one thousand tons.

In the report of the canal commissioners to the secretary of state, dated 24th February, 1870, it is recommended "that as regards the proper scale of navigation for the main line of water-communication frome Lake Superior to tide-water there should be one uniform size of lock and canal throughout. The locks to be 270 feet in length of chamber between the gates, and 45 feet in width, having 12 feet of clear draught over the miter-sills; the width throughout in the prism of the canal to be of not less than 100 feet, to admit of vessels passing each other with perfect ease in any part of the canal." (General report of commissioner of public works, 1871, page 4.)

The above dimensions will give a capacity of 1,000 tons only, and are precisely the same as the proposed enlargement of the Erie Canal; and are thus restricted for a specific purpose, to which we shall soon refer. Sir John Young, of Montreal, stated in a speech in the national board of trade at Saint Louis, and in the commercial convention at Detroit, in December last, "that the contemplated enlargement of the Welland and other Canadian canals was intended to be for the passage of vessels of 1,000 tons only."

Hon. Sir John Simpson, auditor of state, in a letter to Colonel Lewis A. Thomas, dated Ottawa, Canada, December 18, 1872, stated that the canal enlargement of the Dominion was for vessels of 1,000 tons only.

But it is not necessary to go further into these proofs. It is a generally conceded fact that the enlargement of the Canada canals is to be restricted to the passage of vessels of 1,000 tons. This is somewhat singular, when the navigable capacity of the lakes is 18 feet, suitable for the passage of vessels of from four to six thousand tons. Several iron steamers are now building on the lakes of more than two thousand tons measurement; two or more at Buffalo, and one at Detroit; as also that an enlargement to the maximum capacity will cost but a comparatively small additional amount. This is done for the direct and premeditated purpose of drawing—indeed compelling—the trade of this country to pass through those channels. This purpose is expressed by J. W. Winn, esq., and others, of Montreal, in reply to interrogatories on this subject issued by the Canadian canal commissioners.

Mr. Winn says: "This enlargement (to 1,000 tons) would involve moderate labor and expense, and not serve to divert trade from Canadian ports to Oswego and Ogdensburgh, *as would be the probable result of a greater depth.*"—(Canal commissioners' report for 1871, page 103.)

WELLAND CANAL CANNOT BE ENLARGED BEYOND THE CAPACITY OF ONE THOUSAND TONS.

But the Welland Canal cannot be enlarged beyond 12 feet in depth, or 1,000 tons capacity. There are two physical difficulties in the way, both of which are nearly, if not quite, insurmountable.

First. To get even that depth will require the blasting out of the channel in front of Port Claiborn, (on Lake Erie,) beneath the waters of the lake, of 1,500 feet in length, to reach the mouth of the canal. This rock is of the "black rock" series, very hard, and difficult and expensive to blast. This work alone will cost a very large sum of money, more than $3,000,000. To cut this channel down to 18 feet (the lake capacity) would involve an expense more than half sufficient to construct the entire work on the American side. In order to avoid this almost insurmountable obstacle, it is proposed to leave the lake (Erie) at Port Maitland, at the mouth of Grand River, and pass down to the old route by the Grand River feeder. This would necessitate the extension of the length of the canal to nearly fifty miles. And even then there is no harbor at that point, only a broad, open roadstead, exposed to the furious gales which often sweep over that lake.

CANNOT GET THROUGH THE "DEEP CUT" AT ALLENBURG.

Second. But another and more formidable obstacle exists at the "deep cut" at Allenburg, about fifteen miles north of Lake Erie. This "cut" is about two miles long, and between 50 and 60 feet deep. It is composed of heavy joint-clay, about 65 feet deep, underlaid with a stratum of quicksand of unknown depth. The bottom of the canal does not now extend quite through the strata, but so nearly so that almost every season of navigation vast bodies of earth slide off from the banks, partially, and sometimes entirely, closing up the canal. The pressure of these slides often causes the bottom to bilge up, and thus effectually close up the canal. These slides often come down in vast masses, without any premonition, especially in the early spring and after heavy rains. Many vessels have thus been seriously damaged; some lives reported lost. Should the canal be deepened so as to cut through the clay, the banks would at once slide in and close it up entirely. The evil is partially remedied now by locking up out of Lake Erie, about 10 feet. This necessitates a dependence entirely upon Grand River for a supply of water, which, in dry seasons or low water, is inadequate to the present necessities of the canal, and would be entirely so, at any ordinary stage of water, with the proposed enlargement. Hence, to enlarge the Welland Canal to the proposed dimensions (1,000 tons) appears to be almost a physical impossibility, especially without the expenditure of vast sums of money; and to enlarge the same to 18 feet, the maximum navigable capacity of the lakes, would be entirely out of the question.—(Report Canadian canal commissioners, 1871, pages 68–70, and previous reports on the same subject.)

PORT DALHOUSIE, ON LAKE ONTARIO, INSUFFICIENT FOR THE TRADE OF THE LAKES.

Port Dalhousie, at the outlet of Welland Canal into Lake Ontario, is entirely inadequate to accommodate the trade even now existing, being shallow, and exposed to the furious northeast gales which often prevail on that lake. It can never be made safe or commodious without the

expenditure of large sums of money, probably equal to the whole cost of the canal on the American side, especially for the size, capacity, and draught of vessels which may and can navigate those great inland seas.

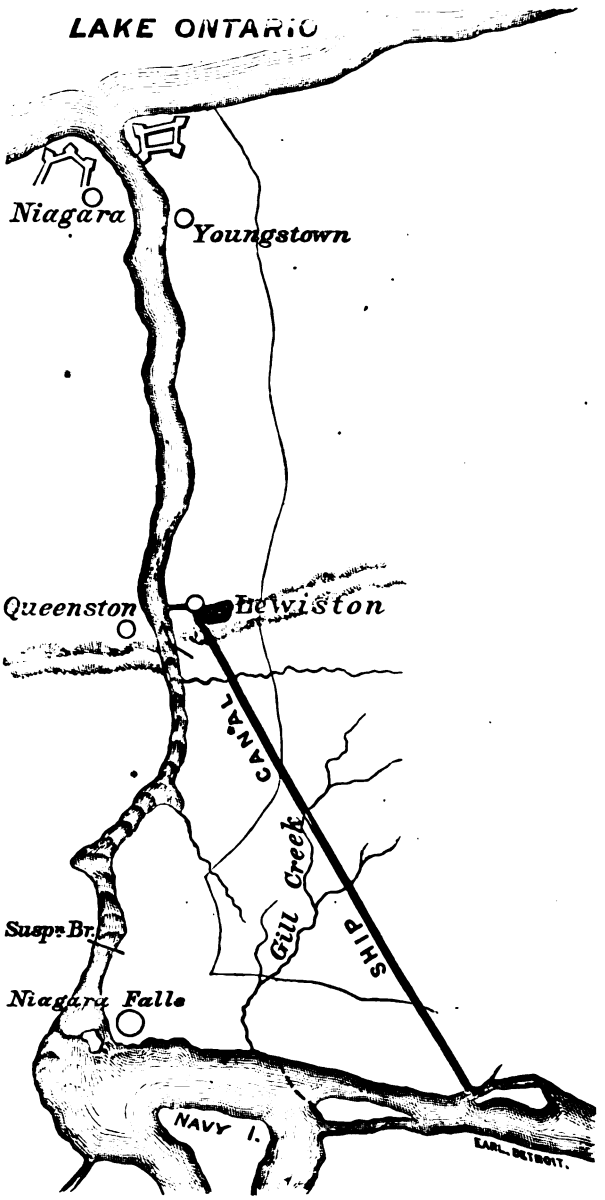
THE LENGTH OF THE CANAL, AND THE IMPOSSIBILITY OF USING ANY OTHER THAN CONSECUTIVE LOCKS OF LIGHT LIFT, ARE ENTIRELY INADMISSIBLE AND INSUFFICIENT FOR THE PRESENT AND PROSPECTIVE DEMANDS AND NECESSITIES OF COMMERCE.

The length of the Welland Canal (twenty-nine and one-half miles) is entirely inadmissible, and more especially so when a much shorter line can be secured on the American side, the extremest length of which need not much exceed seven miles. It is an axiom in civil engineering at the present day, "*that artificial navigation should never be substituted for a natural route, as a river, lake, or the ocean.*" On the American side the entire navigable portions of the Niagara River, both above and below the Falls, *can be used.* Improvements in lockage *can* and *are* being made in canal-navigation. It is proposed by some of the most eminent engineers of the age to overcome the entire fall from Lake Erie to Lake Ontario (316 feet) by a single lock, thereby very greatly reducing the expense of lockage, as also of operation. This improvement can never be adapted on the Welland Canal, because the descent is not all concentrated at a single point, and only at one place on the American side, to wit, at Lewiston. We shall refer to this subject again hereafter.

NIAGARA FALLS.

All the prior discussion of this question of continuous steam-navigation to the Atlantic Ocean is only preliminary to the main question for inquiry, to wit, "*the Falls of Niagara.*" This is the most, indeed the only, formidable obstacle on the entire route from the lakes to the ocean. If this be overcome *all others will be removed*, almost as a matter of course. It becomes important, therefore, to go, to a very considerable extent, into the particulars of this work and the means necessary to be adopted to overcome this formidable barrier. Several routes are mentioned, all of which have several times been surveyed by the engineers of the Government. Each has its zealous friends and advocates, who claim that *their* proposed route is preferable to all others, and clamorously insist that *it* shall be adopted. All, however, that the friends and promoters of the present movement *ought* to insist upon, (and upon *that* they should most inflexibly insist,) is that the shortest, cheapest, and best route *shall* be adopted, leaving to the engineers to ascertain *which* route possesses those requisites. If that policy shall be adopted, there will *then* be a fair show that the *shortest*, *cheapest*, and *best* route *will* be adopted.

The following map represents Niagara River from Grand and Navy Islands, above the Falls, to Lake Ontario, with the short-line canal surveyed by Captain Williams, Colonel Blunt, and others; also the escarpment or precipitous slope at Lewiston:

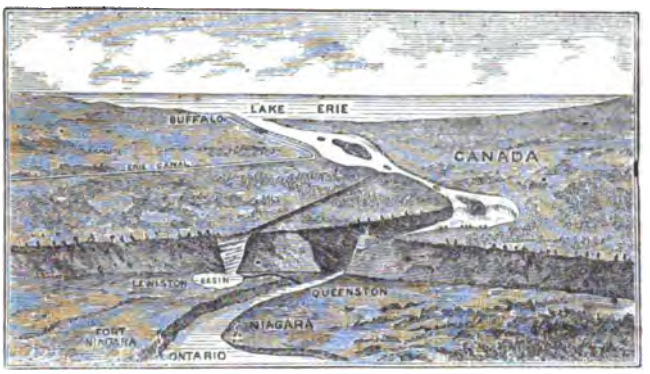


HEIGHT OF THE FALLS.

From still water in the Niagara River above the Falls (near Schlosser Island) to still water in the river below, the perpendicular descent or fall is 316 feet, which must be overcome whatever route be taken; so that in this particular no one route has any advantage over its rivals.*

* The Canadian engineers report that the perpendicular descent on the line of the Welland Canal, from Port Claiborne to Port Dalhousie, is 336 feet. The descent on

The shortest direct route will be about seven miles, and will not much exceed that distance. In discussing as well as in constructing this work, one rigid, inflexible, and imperative axiom or rule should be adopted; that is, *that not one mile, or one rod even, of an artificial channel shall be constructed where the natural channel of the river will answer the same purpose.*



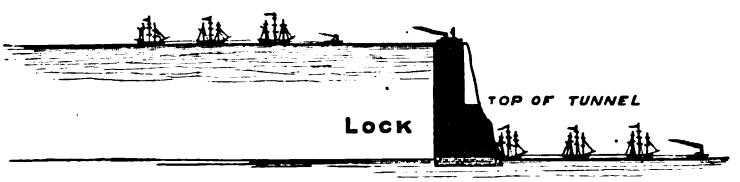
The above cut gives a bird's-eye view of the foot of Lake Erie, Niagara River, Lake Ontario, and the short-line canal surveyed by Captain Williams in 1835, Colonel Blunt in 1867, and others. This route is found to be about 7 miles; Colonel Blunt states it at 7.05 miles; Captain Williams and others make it about the same.

MEANS EMPLOYED TO OVERCOME THE FALLS.

The means employed to overcome the falls *ought*, and no doubt *will*, have a very great influence in locating *the route.* Many ingenious plans have been suggested to supersede the ordinary "combination locks" which have heretofore been adopted, both in this country and in Europe, none of which shall we discuss or refer to except to the single-lock system, and to that only briefly. In saying this we do not wish to be understood as saying, or even intimating, that no others have merits, only that we have not space to notice, much less discuss them.

THE SINGLE LOCK.

This plan is to seek out an eligible location on the plane above Lewiston, 1,000 (or so) feet from or south of the brow of the bluff or moun-



the Eighteen-mile Creek (Lockport) route is 320 feet. Both of these statements are probably correct. On the Welland Canal this undoubtedly includes the lockage up out of Lake Erie. This lockage up, and then down again, is a most serious obstacle in the practicability of that route. This also precludes the possibility of using any other than the old "combination locks" to overcome the fall. There is no point along that route where the whole descent is gathered into one point, as is the case on the American side.

tain, and sink down to the requisite depth below the surface of the water in the Lower Niagara, then "drift" or "tunnel out" to the river. This will require a chamber or prism to be sunk about 350 feet deep from the surface of the ground above. This prism is to be sufficiently large to allow of the passage of six or more lake-steamers, or other craft, at the same time. This prism may be four or more hundred feet long by two or more hundred feet wide. The tunnel thence out to the river below is to be 50 feet wide and 150 feet high, or as much less as will allow of the passage of the largest masted vessels. The mouth of the tunnel is to be closed by a steel gate 50 feet wide by 150 long, (convex toward the pressure of the water,) to be fitted into an iron frame, and to be adjusted by weights, (like a window-sash,) so that it can be made to slide up and down by a power just sufficient to overcome the friction of the rollers over which the suspending ropes or cables pass. When the gate is closed and the chamber filled, the water would force it against all its bearings with a resultant force (or full pressure) of only 58,708 tons, thus tending to tighten the gate equally against all its bearings. It is claimed by its friends that a gate constructed of steel plates properly put together, from two to six inches thick, with the convexity against the water, will withstand all the pressure of that immense column of water.

CHAMBER, HOW FILLED.

To fill this chamber it is proposed to place cast-iron tubes two feet in diameter (50 or more) around the face of the chamber at the head gate, reaching down the breast wall and along the bottom of the chamber. In the horizontal parts of these tubes there are to be orifices, allowing several hundred (or thousand) jets of water to issue *upward*, thus *lifting* the vessels by their upward force, distributed and applied equally all over the bottom of the prism or lock, to the upper level. The excellence of this arrangement is that the upward lift is steady and uniform, without any surging or violent commotion always resulting from letting in the water from horizontal or lateral sluices. By similar arrangements the waters are discharged *from* the chamber. The filling and emptying the lock through these tubes is regulated and controlled by a system of rotatory valves.

ANOTHER PLAN IS PROPOSED, DISPENSING ENTIRELY WITH THE TUBES AND THEIR COMPLICATED MACHINERY.

This plan is thus arranged: At a proper distance ahead of the "head gate" of the lock sink a shaft in the prism of the canal, of suitable dimensions—10, 20, or more feet in diameter—to the level of the bottom of the prism or lock; thence run a tunnel into the latter. The mouth of this tunnel is closed by an iron (or steel) gate, which is opened or shut similar to the gate of a saw or other mill flume. The bottom of the prism, at the proper distance below the requisite draught or depth of water, is floored over with timbers or planking of sufficient strength to resist the upward pressure of water. This floor, or "diaphragm," is "perforated" with the requisite number of orifices, through which the water issues upward as by the other arrangement. The space between this floor and the bottom of the prism should be ten or more feet, so as to obviate or neutralize the lateral or surging motion of the water as it issues from the tunnel. This plan will dispense entirely with all the complicated machinery of the other arrangement, to which many scientific men object as "too complicated." By this arrangement it is claimed

that the lock can be filled in about 30 and emptied in 20 minutes. That is, that six lake-steamers, or other vessels, can be passed *up* or *down* in those periods of time. Eight, or at most ten, men will be all that will be required to operate the lock, while on the ordinary plan of combination locks, such as are used on the Erie and other canals, two hundred men will be required to pass *one* of those vessels, and from twelve to twenty-four hours consumed in the passage.

MATERIAL AND FACILITIES FOR CONSTRUCTION.

This locality favors the construction of such a work as is here proposed. There is an exhaustless supply of superior building-stone close at hand. A superior quality of cement may be delivered in bulk by rail, at a cheap rate, from factories in the vicinity. Ships from any part of the world may deliver freight within a very short distance. There is also now, and will shortly be, greater facilities by railway, and Niagara County is a rich agricultural region whence food may be cheaply and unfailingly supplied.

THIS PLAN APPROVED BY MANY EMINENT ENGINEERS.

This plan has received the sanction of several eminent engineers of long experience and national reputation. Among others General T. J. Cram, an engineer of more than forty years' experience in the Government service, says of it in a letter dated June 16, 1866: "*There are no engineering difficulties in the way.*" He further says, "that this steel gate of 50 feet in width and 150 feet in length can *undoubtedly* be constructed with as much nicety and sufficient strength, and be made to move in the grooves with ease and more perfect tightness *than any ordinary wooden gate.*"

Colonel William McAlpine, who has been a United States engineer stationed at the Brooklyn navy-yard for many years, and who constructed the United States dry-dock at that place, in a letter dated October 3, 1866, says of this plan:

> There are no impossible engineering difficulties in carrying out this plan. Gates of the size proposed *can* be made *without* difficulty. I made a pair of wrought-iron gates opening a space of 75 feet in width and 36 feet high, which weighed 75 tons. They were the first wrought-iron lock-gates ever built. They are in use at the United States dry-dock at Brooklyn, and have answered exceedingly well; cheaper and stronger than wood.

Mr. E. L. Cheesbrough, the engineer and constructor of the Chicago water-works, in a letter dated October 16, 1866, says: "You request me to state such objections as might occur to me to the truly bold yet simple plan of constructing and operating a ship-canal around the Falls of Niagara. I have thought of it a good deal." He then goes on, in substance, to say: "I have submitted the plan to several eminent engineers, and, among others, Mr. Wm. Gooding, member of the board of public works at Chicago and engineer on the deepening of the Illinois and Michigan Canal, and we all think very highly of the proposition, and believe it will prove to be a success."

THIS INVENTION REMOVES ENTIRELY THE FORMIDABLE CHARACTER OF THIS BARRIER.

If the expectations of its friends can be realized, it removes entirely the formidable character of this rocky barrier to continuous navigation from the upper to the lower lakes. So also, if this can be done, this

Lewiston route is the only one where it can be successfully applied and used, because the only route where the whole descent can at once be overcome, as also the only place where the space between the top of the tunnel and the surface of the ground will allow of the hoisting up of the gate entirely above the tunnel. The top or surface of the ground will be at least 160 or 170 feet above the top or crown of the tunnel.

ORDINARY COMBINATION-LOCKS.

The mode of overcoming this barrier by ordinary combination-locks, such as are used on the Erie and other canals, both in this country and in Europe, is far better described by Colonel Blunt in his surveys of the Niagara Falls in 1867, and other eminent engineers who have reported upon that subject, than anything we can say. We can only say this much as to the two plans: if the single lock, upon a rigid test, shall fail, then the only alternative will be to fall back upon the old system of combination-locks. The proposed "marine railway," and other like plans, we do not propose to discuss, believing them all to be fatally deficient in very many of their most important and essential details.

SHORTEST ROUTE.

One strong recommendation of this Lewiston route is that, it being the shortest possible, it allows, indeed requires, the whole navigable length of the Niagara River, both above and below the falls, to be used, thus obviating the detentions and delays necessarily incident and inevitable on long routes, as the Welland Canal as now, or with its proposed extension, constructed.

LOWER NIAGARA RIVER THE BEST HARBOR ON THE LAKES.

This route has one other advantage not possessed by any other. It debouches into one of the best and safest harbors on the entire chain of lakes. The lower Niagara River (which is about seven miles long to Lake Ontario) has in all its parts a depth of at least 30 feet of water, with safe and easy shores, the water going down 20 and 30 feet within 30 feet of its banks; is entirely land-locked, and secured from all winds and gales, and of safe access in all states of the winds and weather; besides, it will never require the expenditure of one dollar for "breakwaters," piers, docks, or works of any description whatever. It is in fact the only natural harbor of unlimited capacity on the American side of Lake Ontario—a distance of nearly two hundred miles—where vessels can always take refuge and find a safe retreat in the most violent storms and tempests, which frequently prevail on that lake.

THIS WORK PUBLIC AND NATIONAL IN CHARACTER.

This obstruction has always been regarded as of a national character, being on a public national thoroughfare. It will not be necessary to cite authorities to prove this assumption; hence the expense of removing the same *should* be incurred by the General Government. And more especially should that be so when it is remembered that it is but *one* of a series of obstacles to be overcome in opening up this steam-navigation route to the Atlantic Ocean; all others of which must be removed by private capital, at least by means other than those of the United States. That being the case, the friends of this measure claim (we think

with a good deal of reason) that Congress shall furnish the funds for this portion of the proposed water-route from the lakes to the ocean. If that proposition be conceded, then arises a most important interrogatory, to wit:

HOW SHALL THAT BE DONE?

Shall Congress make a money appropriation adequate to the construction of this work, independent of all other considerations? It thus becoming, like any other public improvement of this character and magnitude, as the improvements on the rapids of the Mississippi, at "Hell Gate" in New York harbor, and other like works, free and open to the use of the public generally. The commerce between Lakes Erie and Ontario would thus be entirely relieved from all exactions and tolls, except so much as might be necessary to keep the works in repair. This arrangement would at once create such a competition between the canal and railroad systems of Buffalo and Oswego, and other points on Lake Ontario, as materially to weaken, if not destroy, the enormous monopolies which the former place has succeeded in fastening upon the commerce of the country, and especially upon that of the agricultural States of the West.

NUMBER OF VESSELS AND TONNAGE OF THE LAKES.

By the records of the custom-houses of Boston, New York, Philadelphia, Baltimore, New Orleans, San Francisco, and Chicago, it appears that a larger number of vessels entered the single port of Chicago during eight months of navigation in 1870 than entered all those six great ocean ports during the same period. Thus stands the record:

Entered at Chicago during eight months of navigation	12,546
Entered at the other ports during the same time	12,259
Excess entering Chicago	287

We think it will be safe to assume that twice that number of vessels entered and delivered cargoes during that year in all the other ports of the Lakes, including Lake Ontario. There will then have entered and delivered cargoes in all the ports of the great lakes of the Northwest, 37,638 vessels. The average size of the vessels owned in Chicago is 214½ tons. Those coming from the lower lakes are much larger, averaging 350 tons each. The average of all is about 250 tons, which will be about two-thirds the average tonnage of the sea-going vessels entering those other six ports. Suppose, however, that the sea-going vessels average 500 tons, which will be a very liberal allowance, there was then delivered during the eight months of navigation, at all the lake ports, 9,409,500 tons of freight; and at all those other six ports, 6,129,500 tons. It is not pretended that these statements are strictly accurate, but they afford data and statistics whereby we may arrive at a pretty correct estimate and appreciation of the enormous amount and value of the commerce now floating upon the great lakes of the Northwest.

TWO-THIRDS, OR 6,000,000 TONS OF THIS IS "THROUGH FREIGHT."

At least two-thirds of this is "through freight;" that is, agricultural products going from the West to Eastern or European markets, or merchandise coming from thence to the West. It is an axiom in commercial transactions, that vessels loaded with this "through freight"

will proceed to the most extreme point of navigation either way. Shippers will demand this of them, because the charges of lake-transportation are not more than one-sixth of that for railroad carriage. Hence if they could pass from Lake Erie into Lake Ontario, or vice versa, without transshipment of cargo, they would do so—indeed they would be compelled to that course by their patrons, the shippers, or get no business.

Hence the extremes of lake navigation would be the foot of Lake Ontario on the east and the heads of Lakes Michigan and Superior on the west. This 6,000,000 tons of "through freight," (approximating in magnitude to that entering the harbor of New York,) now floating on these lakes, would reach those extreme points, if the vessels freighted therewith *could* pass freely and rapidly between Lakes Erie and Ontario. If, therefore, the interest and necessities of commerce demand of Congress the removal of those obstructions to navigation existing at "Hell Gate," (which we most readily concede,) how much more the *speedy* removal of that formidable obstruction existing at Niagara Falls! *Because* it has not that facility, that 6,000,000 tons, as also three times that amount carried by the railroad and other means of transportation, is taxed at least two dollars per ton extra in its transit between the West and East. This embargo upon transportation is the cause, and probably the *sole* cause, of the low prices for agricultural products in the West and the extreme high prices of provisions in the East. The excessive charges for transportation between the producer and consumer have very nearly eaten up the staples of life. Hence also the depression of the manufacturing districts in the East, and the exorbitant prices for clothing, boots, shoes, groceries, &c., indeed all the necessaries of life in the West. This is fully comprehended in both sections—in the West by the unanimous demand of the people through their respective legislatures, by popular assemblies, conventions, &c., in all the great agricultural States of that section, as heretofore set forth, for the speedy removal of that obstruction to navigation existing at Niagara Falls; in the East, by the resolutions of popular assemblies of mechanics, artisans, and laborers, and the reports of commercial and other associations, as also by the action of many of their State legislatures. At an immense meeting of the carpenters and bricklayers of New York City, held in May last, the following resolution, among others, was unanimously adopted:

Resolved, That the enormous charges exacted by railroads and other transportation companies, between the food-producing States of the West and the Atlantic sea-board, so enhance the prices, not only of provisions, but also of every description of manufactures and other necessaries of life, that the present wages paid to mechanics and laborers in our respective trades and business in this city are not adequate *with the most rigid economy* to the support of the employés in those trades and their families.

In the report to the New England Shoe and Leather Association, of Boston, by a committee appointed by that organization to investigate "the present working of the different railroad and transportation lines, as far as relates to the transportation of shoes, leather, and food," at a meeting of said association held on the Friday subsequent to the "great fire," the committee say:

Manufacturing success depends not alone on the cheap transportation of its own products. It must also have cheap labor, and cheap food is *essential* to cheap labor. Food will be cheap when transportation is easy and at low cost. The western farmer now has to give often two and even three bushels of wheat to get one to market, or, in other words, the New England operative has to pay three or four times as much for his wheat as the man gets who raises it.

Hence, to reverse the rule, the farmer in the West, who raises the wheat, beef, pork, &c., which the eastern manufacturer consumes, at

such enormous charges over the first cost, has to pay for the boots, shoes, coats, pants, shirts, blankets, and other articles of manufacture, which himself and his family must have or perish in the bleak winters of their prairie home, three, four, and often six times as much as the manufacturer gets who makes them. Who pockets this enormous difference between the first cost of production of these respective commodities and the consumer? We answer, the common carrier and the middle-men, who take advantage of the obstructions to navigation and blockades of transportation between the two sections and are determined to keep them so. In this connection perhaps the following item of information, taken from the daily Des Moines (Iowa) Register, published at the capital of that State, of 10th November last, may not be altogether uninteresting:

The Ogden House, of Council Bluffs, is using corn as a common article of fuel in all the rooms of their extensive establishment, finding it altogether cheaper and more economical than either wood or coal, although the price of neither is extravagant—indeed is very *moderate*.

And perhaps this other article, taken from a paper published in the Missouri Valley, of about the same date, may not also be altogether without interest to the legislator at Washington, any more than to the manufacturer of the East:

We are informed, which is no doubt true, that the farmers in all the prairie country of this valley are burning their corn for fuel, finding it altogether cheaper and more economical than wood or coal, although the latter, of excellent quality, can be obtained at any of the railroad stations at from $3 to $3.50 per ton, and wood will not exceed $4 per cord.

Now, this may appear somewhat incredible, but will not when we consider three facts: first, those farmers have not the money to purchase either wood or coal; second, they cannot exchange their corn for either; third, corn is of no value in the Missouri Valley beyond the limits of the farm.

In view of these facts, and others equally authentic and well understood in all parts and portions of the country, we would, in behalf of the people of the whole country, and more especially of all those portions whose interests and prosperity depend immediately and directly upon this question of "cheap transportation," most respectfully, but earnestly, call upon Congress to adopt immediate and efficient measures to secure the speedy construction of the ship-canal around the Falls of Niagara, on the American side thereof.

CONTINUOUS STEAM NAVIGATION FROM THE MISSISSIPPI TO THE ATLANTIC OCEAN.

The programme of the friends of this enterprise is to open up continuous steam navigation from the Mississippi to the Atlantic Ocean. This will necessitate a brief allusion to the several parts of the plan. Hence we shall briefly describe the several routes from the valley of the Mississippi to Lake Michigan.

BY THE ILLINOIS RIVER.

First. From Chicago by way of the Illinois River. This route is of vast importance to the middle and lower valley of the Mississippi. The people of Chicago have demonstrated that the waters of Lake Michigan can be diverted into that channel to an unlimited amount, so as at all times to afford continuous navigation between the lake and the Lower

Mississippi. This is an immense achievement, and should be promptly followed up to its legitimate results, to wit, continuous steam navigation in that direction.

WISCONSIN AND FOX RIVER ROUTE.

Another route of far greater importance to the whole Upper Mississippi Valley is by the way of the Wisconsin and Fox Rivers to Lake Michigan at Green Bay. From the earliest French colonial period this route has always been regarded and used as "*a public navigable highway.*" Since the improvements on the Lower Fox, steamers of 250 tons burden can and do every year, in flush stages of water, freely pass and repass between the Mississippi River and Lake Michigan. The Government has for several years been engaged in surveying this route, and quite recently commenced work thereon, with a view of opening it up to the commerce of the country. The prospect now is that within the next few years the entire work will be completed, so that vessels drawing five feet of water can pass from the Mississippi to Lake Michigan with as much facility and rapidity as to Saint Paul or Saint Louis.

LAKE SUPERIOR ROUTE.

Another principal route is by the way of Lake Superior. This is of equal importance as the others to all that northwestern portion of the country, and more especially that portion now being opened up by the North Pacific Railroad. This route will require considerable improvement on the Saint Mary's Canal and River, which the Government is now doing.

ALL THESE ROUTES NATIONAL IN CHARACTER.

All these routes are of great national importance, and ought to receive the continued attention of the general Government until they are opened up to their full capacity for the transportation of the country. These routes are absolutely essential to carry out the policy of "cheap transportation" attempted to be inaugurated by this movement to secure continuous steam navigation from the grain-fields of the West to the Atlantic Ocean.

RAPIDS OF THE SAINT LAWRENCE.

The hypothesis that, in case Congress makes an appropriation for the construction of the works at Niagara Falls, private enterprise and capital will thus be stimulated and encouraged to open up all other portions of the route to the Atlantic sea-board, renders it necessary to describe briefly those other obstructions. The first of these are the rapids of the Saint Lawrence, of which there are seven, to wit, Galop's, Rapid Plat, Farrand's Point, Cornwall, Beauharnois, and Lachine. There are no obstructions on the route from the mouth of the Niagara River to the head of the Cornwall Rapids on the Saint Lawrence. The main rapids commence at the head of Galop's, in the order set forth in the following tables. These rapids have been improved by the Canadian government to a capacity of about 600 tons. Steamers, however, can and do readily pass over the three first of the series, both *ascending* as well as descending the river, a distance of about thirty-three miles. This virtually makes about two hundred and sixty miles of navigable water above the impassable rapids. To this distance must be added Lake Saint Francis, thirty-two and three-fourths miles, and Saint Louis Lake, fifteen and one-quarter

miles, and other lesser sheets of smooth water, making in all about three hundred and twenty-seven out of three hundred and sixty-eight and one-half miles from the mouth of the Niagara River to Montreal which will need no improvement whatever, leaving about forty-one miles of impassable rapids; first, the Cornwall Rapids, eleven and one-half miles long and 48 feet fall; second, Beauharnois Rapids, eleven and one-half miles long and 82½ feet fall; third, the Lachine Rapids, eight and one-half miles long and 44¾ feet fall, making 175¼ feet of impassable rapids out of 223 feet fall from Lake Ontario to Montreal. The remainder of the descent, to wit, about forty-eight feet, is distributed through the natural fall of the river, the current nowhere exceeding five miles an hour, and that only on the first-named rapids, to wit, Galop's, Rapid Plat, and Farrand's Point. On all other portions of the river above tide-water, at Three Rivers, ninety miles below Montreal, the average velocity is only about two and one-half miles the hour.

Length and dimensions of Saint Lawrence canals, distance between the rapids, and whole distance from mouth of Niagara River to Montreal, taken from the official report of the Canadian Canal Commissioners, 1871.

	Between the rapids.	Rapids.	Whole distance.	Fall.	Size of lock.	Lift of locks.	Number of locks.
	Miles.	*Miles.*	*Miles.*	*Feet.*	*Feet.*	*Feet.*	
Mouth of Niagara to foot of Lake Ontario	180	.....	.....	.....	.....	.....	.....
Foot of Lake Ontario to Galop Rapids	66⅜	7⅝	254	8	200 by 45 by 10	4	2
Galop Rapids to Rapids Plat	4¼	4	262¼	4	200 by 45 by 10	4	1
Rapids Plat to Farrand's Point	10¼	¼	274	4	200 by 45 by 10	5¼	1
Farrand's Point to Cornwall	5	11¼	290¼	48	200 by 45 by 10	7	7
Cornwall to Beauharnois	32¾	11¼	334¼	82½	200 by 45 by 10	9¼	9
Beauharnois to Lachine	15¼	8¼	368¼	44½	200 by 45 by 10	9	5
Total	314⅜	41⅝	368¼	198¾	.....	.....	25

By improvements introduced into canal-construction since the building of the Saint Lawrence canals, each of those rapids can be overcome by a single lock, which will very materially facilitate the navigation of that portion of the Saint Lawrence River from head of Cornwall Rapids to Montreal.

OCEAN-NAVIGATION AT MONTREAL.

At Montreal the route will reach ocean-navigation down the river and gulf of Saint Lawrence of 20 feet draught, which can be increased readily and cheaply to 26 or 27, and even 30 feet, and at Three Rivers, about ninety miles below that place, of unlimited capacity. Tide-water and full ocean-navigation comes up to the latter point. By this route the distance to Liverpool is about eight hundred miles less than by the Erie Canal and New York City, with an equal period of navigation, and the risks and perils of navigation no greater, and insurance no higher, than from the latter port. Thus will the West secure ocean-navigation to Europe on the shortest possible route, and of unlimited capacity, for her agricultural products. Steamers of more than ten times the carrying capacity of the heaviest freight trains can pass over it at an equal rate of speed, and with less than a sixth the charge for transportation upon her cargo. All vessels, and especially steamers, leaving New York for Liverpool, must come upon the track of the Saint Lawrence vessels in crossing the ocean.

FROM THE SAINT LAWRENCE, AT OR NEAR MONTREAL, UP INTO LAKE CHAMPLAIN.

The next obstruction on the route to the Atlantic Ocean at New York City, the point to which the friends of this movement aim, and at which they are determined to arrive, is from the Saint Lawrence, at or near Montreal, up into Lake Champlain. The elevation of the lake above the river at that point is 75 feet. To overcome this obstruction several routes have been suggested and examined, all of which are not only practicable, but eminently feasible.

First. To the mouth of the Sorel River, about fifty miles below Montreal, thence up that river into the lake. This is about one hundred miles farther than by a direct route. The Canadian government has improved the rapids on this river by locks, dams, &c., for boats of about 250 tons capacity. The extra distance, however, is a very serious, if not insuperable, objection to this route.

Second. The Caughnawaga route, commencing at the head of the Lachine Rapids, on the River Saint Lawrence, about ten miles above Montreal, running thence in an easterly direction to the village of Saint John, on the Sorel River and at the head of the Chamblee Rapids. This will require only 25 feet of lockage to reach Lake Champlain from the Saint Lawrence at the head of the Lachine Rapids. The canal would be thirty and one-half miles long. Were the trade of New England and New York, with the West, passing through Lake Champlain alone to be considered, this route would be preferable to all others; indeed, the only route deserving any consideration whatever, because it would save the entire lockage of the Lachine Rapids, a fall of 45 feet. But the West must have uninterrupted navigation to the ocean *down the Saint Lawrence.* Hence for *that* purpose that route is entirely worthless. A route, therefore, must be secured which will accommodate trade going in both directions.

Third. That can only be done by running from the Saint Lawrence just below the Victoria Bridge, nearly due east to Chamblee, at the foot of the rapids on the Sorel River; thence by an enlargement of the Chamblee Canal to Saint John's, twelve miles distant; thence into Lake Champlain. Indeed, the Sorel River, above that point is nothing more than an enlargement of the lake. Distance from the Saint Lawrence about ten miles, over a level plain, but little elevated above the Saint Lawrence River, with but little or no rock cutting. This route would be about one hundred miles shorter than by the way of the mouth of that river, and would save about 15 feet of lockage on the lower Sorel, and also, whilst giving to the West free navigation down the Saint Lawrence to the Atlantic Ocean, would, at the same time, answer *all* the purposes of the Caughnawaga route, saving to the latter the 25 feet difference in the lockage. This advantage, however, will be a thousand times counterbalanced by the facilities to direct trade up the Hudson and through Lake Champlain, to Montreal, Quebec, and the lower Saint Lawrence, which will be secured by the "Chamblee route," and which will be the shortest possible from New York to Montreal. Daily lines of steamers would commence running on this route the very day of its completion.

FROM THE FOOT TO THE HEAD OF LAKE CHAMPLAIN.

The distance from the foot to the head of Lake Champlain is one hundred and eleven miles. No serious obstructions exist in this lake, which gives a uniform depth of navigable water far exceeding the

demands of the enterprise. At a few points between Burlington and Whitehall projecting rocks will have to be cut off to widen, straighten, and deepen the channel. In this lake the West and East come together on a common platform, to exchange the commodities of their respective sections, without the intervention or exactions of middle-men in any part of the route. This means cheap provisions and an abundance of them in one section, and cheap manufactures and merchandise to the other.

FROM THE HEAD OF LAKE CHAMPLAIN TO DEEP WATER ON THE HUDSON.

One more obstacle is to be overcome before the consummation of this great continental enterprise, to wit, continuous steam-navigation from the valley of the Mississippi to the Atlantic Ocean. This obstacle exists between the head of Lake Champlain and deep water on the Hudson. On a portion of this route the State of New York has a canal of small capacity, (about 90 tons,) known as the "Champlain Canal." Whether this contemplated improvement will follow any part of the canal or not we cannot say, but here, as elsewhere, "the shortest, cheapest, and best route" will undoubtedly be adopted. Nor can we say how far down the Hudson sufficiently deep water will be reached; probably, however, in the neighborhood of the city of Hudson. By the reports of Colonel McAlpine and other eminent engineers, it is pre-eminently a feasible route. Lake Champlain is 90 feet only above tide-water at Albany. The summit-level between it and the Hudson River is about 50 feet, and can, at a comparatively small expense, be cut through so as to carry its waters directly over into the latter, and thus save the expense and delay of lockage over the summit. The requisite depth of water down the Hudson can be easily and cheaply obtained for most of the distance by slack-water. The whole cost of this portion of the route will not exceed $8,000,000, or, at most, $10,000,000.

Sir John Young, of Montreal, in a speech before the commercial convention at Detroit in December last, stated:

> Should the State of New York choose to enlarge her canal down from Whitehall, it can be readily done. It has also been surveyed by the very best of your engineers. I may mention Mills and McAlpine, and there is no reason why a thousand-ton vessel could not go from the head of Lake Superior, or the head of Lake Michigan or any other western port down to New York, without breaking her bulk, deliver her cargo, and come back with a return cargo from that place to any port on the western lakes. The cost of this portion of the work will be from eight to ten millions of dollars.

This speech of Sir John Young, who is one of the most liberal, intelligent, and patriotic men of that or any other country, although an able one, dictated and inspired by enlarged and liberal views upon this subject of "*continuous steam navigation from the interior to the Atlantic Ocean*," was, nevertheless, evidently intended to be in harmony with the policy of the Canadian government, to restrict the enlargement of the Welland Canal to vessels of one thousand tons. We have elsewhere proven that that policy is dictated by a physical necessity—that *that* is the *utmost* capacity to which that canal *can* be enlarged, at least without the expenditure of a very large sum of money, far exceeding what will be required on the American side. We think we have also demonstrated that *that* capacity cannot, by any possibility, meet the demands and necessities of the West, because it will not, and cannot, obviate the necessity of transshipment at the foot of Lake Erie. Any enlargement of either that or the Erie Canal, which does not *remove* that necessity, will be of very little advantage to the West, because it cannot inaugurate cheap transportation. That it cannot do *that* is established by the fact that vessels are

now being constructed on the lakes of nearly three thousand tons carrying capacity; and vessels of double, and probably treble, that capacity, can, and will, very soon, be navigatlng those lakes. When *steel*, instead of *iron*, is used in the construction of vessels, that will, undoubtedly, be done. All of those works, therefore, must be of such capacity as to let these "monsters" of the upper lakes through to the Atlantic Ocean, *without* transshipment of cargo, or they will be of very little advantage to that portion of the people of our country who most need and who are intended to be benefited, to wit, those of the great agricultural States of the West. All other interests of the people may, and probably can, be very well accommodated with a less tonnage.

QUESTION NOW PRESENTED—WHAT DO YOU EXPECT TO GAIN?

Thus have we briefly described the several obstructions existing along these great navigable water-channels of the continent, and the question now comes up for solution, to wit: "What do you expect to gain by their removal?"

First. In the very first step to be taken in the execution of this great national measure, to wit: by breaking down that rocky barrier existing at Niagara Falls we at once secure a very large share of the benefits which we hope and expect to gain in the final consummation of the whole work, to wit, greatly reduced costs of transportation between the West and the markets existing in the Eastern and Middle States. By reaching Lake Ontario we shall secure the advantage of the great number of competing roads extending from the principal commercial cities from Chesapeake Bay to the mouth of the Saint Lawrence.

COMPETING LINE OF ROAD TO BALTIMORE.

Baltimore has a line of road from Buffalo. This canal would give her another competing line of road, much shorter, and of easier grade than the one from Buffalo. Hence, if the trade from the lakes to that city could have the choice of going down into Lake Ontario and there taking rail, the cost of transportation and trade centering at that point would be reduced at least one-half. Thus her coffee trade with Brazil and other tropical countries would be vastly increased and extended. Coffee is an article of prime necessity in the West; vast quantities, probably more than one-half of the entire importation into the country, is consumed in the West. Baltimore probably (to a great extent at least) controlls that trade; therefore, by assisting to open up competing lines, and, therefore, cheaper rates of transportation with the West, she can secure a very large proportion and probably nearly all of that trade with the West. There are very many other reasons which will at once suggest themselves to every one inquiring into this subject, why Baltimore will be vastly benefited by this canal.

PHILADELPHIA WILL ALSO BE VASTLY BENEFITED.

The same reasons will apply and the same arguments may be used in relation to Philadelphia as to Baltimore, but mainly in relation to other branches of trade and commerce. That city has an immense trade with the West in ready-made clothing, as also in many other articles of merchandise. If the West could have a choice of routes to reach that city, that trade would be vastly increased, because the cost of transit would be very greatly reduced, and experience has demonstrated that

trade will increase just in proportion to the reduction in the rates and charges of transportation and the markets which are thereby opened up for the sale of the products of the purchasers. If a western farmer or a grain-dealer can, by means of this canal, sell two thousand bushels of wheat, or two hundred fat hogs where he has been able heretofore to sell only one-half those amounts, it is certain that he will purchase double the amount of merchandise, whether coffee, ready-made clothing, boots and shoes, or any other article of merchandise. Hence it will at once be seen how deep a stake Philadelphia has in the construction of this work. Thereby her trade will be vastly increased, perhaps doubled.

BENEFIT TO NEW YORK CITY.

But probably no city on the continent has so deep an interest in this work as New York City. Her trade, by the confession of her most sagacious and experienced merchants and business men, has been going from her at a fearful rate—diverted into other and cheaper channels—down the Mississippi, the Saint Lawrence, and to other points, because the rates and costs of transportation have been less. In 1869 about 15,000,000 bushels of wheat and flour arrived at Montreal on its way to a European market, which in former years went to that city, because the cost of transit by that route to Europe was much less than by the way of New York City—nearly one-half less. That shipment has been greatly increased in subsequent years. Hence, she lost that trade, as also the return merchandise purchased by that wheat and other trade. But by this route to Lake Ontario, thence by the Oswego Canal, midland and other railroads from that lake to New York City, she can ship western produce to Europe at cheaper rates than can under present circumstances be done down the Saint Lawrence. Hence she will, in a very great measure at least, regain that trade which has heretofore been diverted down the Saint Lawrence and in other directions in consequence of cheaper rates of transit.

BOSTON WILL BE A VERY GREAT GAINER BY THIS WORK.

Probably, however, no city on the Atlantic sea-board is more deeply interested in this enterprise than Boston, because no other city can profit so largely in its benefits. By a double-track railroad on the Hoosac Tunnel route she can, if she chooses, reduce the cost of transit on wheat and other agricultural products to Liverpool to less than the rates from the Baltic and Black Sea provinces of Central Europe and Western Asia. If she can reduce that cost to 30 cents per bushel on wheat, and on other articles in the same proportion, she will thereby secure to the West a control of the markets of all Western Europe, now exceeding 500,000,000 bushels of cereals, and other agricultural products in the same proportion, and will thereby secure to herself the carrying trade between the great food-producing States of the West and those markets. This is the prize which Boston is evidently endeavoring to secure, and which she can most assuredly secure by the breaking down of that rocky barrier existing at Niagara Falls.

THE GREAT MANUFACTURING TOWNS OF NEW HAMPSHIRE, MAINE, AND MASSACHUSETTS WILL BE EQUALLY BENEFITED.

By the consummation of that work the great manufacturing towns in New Hampshire, Massachusetts, Maine—indeed, in all New England—will be equally benefited, because they will thereby secure one of the

main and most important elements of success, to wit, cheap food and abundance of it. The committee of the Shoe and Leather Association, of Boston, since the fire, stated in their report: "That manufacturing success depended mainly upon cheap labor, and cheap food is essential to cheap labor, and cheap food can only be secured by cheap rates of transportation from the fields of the producer to the homes of the consumer, to wit, the operatives in the manufacturing establisments of the country." Never was a truer or more appropriate saying than that. Now, we propose just that same thing. By securing the construction of this canal around the Falls of Niagara we at once and for all time inaugurate cheap transportation between the food-producer and the consumer, to wit, the manufacturing operative. We fulfill exactly the measure and terms upon which the Boston Shoe and Leather Association aver that manufacturing success depends.

THE ANTHRACITE COAL OF PENNSYLVANIA TO SUPPLY THE WEST MUST COME TO LAKE ONTARIO.

With this canal constructed, and the anthracite coal of Pennsylvania must come to Lake Ontario for shipment to the upper lakes, *because* it will then be the nearest, cheapest, and best route. That trade, although in its infancy, is destined to be of immense magnitude and importance. During the past year about 2,000,000 tons were brought to the lakes, more than 1,000,000 tons of which was shipped to ports west of Buffalo, and about 100,000 tons to the Mississippi and Ohio Valleys, much of it as far south as Saint Louis and Memphis. At present the cost from Lake Michigan to the Mississippi Valley is so great (about $5 per ton) as to preclude its general use. When the water route, by the way of the Wisconsin and Fox Rivers and other like avenues, from that lake to the Mississippi, are opened up so that that coal can be carried from Lake Ontario or foot of Lake Erie to the Mississippi for about $2 per ton, that valley alone north of Saint Louis will demand annually at least 1,000,000 tons, with an annual increase of at least 10 per cent., or 100,000 tons. The Mississippi Valley, at least the best portions of it, is "a timberless region." Whatever timber there is (which is along the streams and bluffy portions, mostly unsuitable for cultivation,) is being rapidly consumed for railroad purposes. More than five million trees of oak and other hard-wood timber are annually consumed for that purpose in the Upper Mississippi Valley and of its tributaries north of the north boundary of the State of Illinois. In a very few years (eight or ten) all the hard wood in that whole Upper Mississippi Valley suitable for ties and other railroad purposes will be consumed. With still greater rapidity is hard-wood timber being consumed in the States of Ohio, Indiana, and Michigan. The only other dependence of that vast region of country for fuel is upon the bituminous coals of the country. These, although excellent for manufacturing, mechanical, and railroad purposes, are a very poor substitute for either wood or anthracite coal for household, church, store, or office purposes. Hence, as soon as these regions can, by the cheapening of transportation, exchange their corn and other agricultural products for anthracite coal, they will do so in vast quantities. In ten years, instead of demanding 1,000,000 tons annually, they will require from 5,000,000 to 10,000,000 tons. The best and cheapest ports of shipment for that coal will be on Lake Ontario, because the nearest, by at least 100 miles by rail, to the coal-fields in Pennsylvania. The West needs this Niagara Ship-Canal for the shipment west of this vast amount of coal, quite as much as for the shipment

of their agricultural products east, because thereby will be created competition between Buffalo and the ports on Lake Ontario.

THE PENNSYLVANIA ANTHRACITE COAL PRACTICALLY INEXHAUSTIBLE.

The Pennsylvania anthracite coal-fields are practically inexhaustible. There are three beds or basins of that coal: *First*, the most southerly, or Schuylkill; *second*, the middle, or Lehigh; *third*, the most northerly, or Lackawanna and Wyoming. This last deposit is large, probably equal to both the others, and of superior quality. The best and most reliable engineers of that State compute that this basin alone contains at least 14,000,000,000 tons, (or fourteen thousand million tons,) which alone will supply the people of the whole continent with fuel for probably a thousand years. This coal-measure belongs most emphatically to the basin of the great lakes, and must be the main source from whence the people of the lake region and beyond will draw their supplies. It will be moved to the different ports on that lake over roads of easy grade, (not exceeding 20 feet to the mile in any part,) and by distances shorter by 100 miles than to any other port of any other of the lakes. Hence for this trade alone that Niagara Falls Ship-Canal is an imperative necessity.

NEEDED ALSO FOR THE LAKE LUMBER-TRADE.

There are probably nearly five thousand million feet of pine lumber annually moving on the Upper Lakes, a very large proportion (probably one-third) of which goes east to supply the markets in New York, New Jersey, Pennsylvania, and the New England States. The foot of Lake Erie has now a monopoly of that trade, dictating its own terms for carrying it, *because* of that monopoly. Every thousand feet of that lumber costs the consumer very considerably more than it should or would if the lumbermen of the lakes had that canal through which they could have their choice to ship their timber down into Lake Ontario, and thence to a market over some one of the great number of competing lines of road reaching that lake. For this interest also that canal is an imperative necessity.

Second. We also secure an uninterrupted navigable route of nearly three thousand miles, including the Saint Lawrence, of almost unlimited capacity, from the very heart of the continent to the Atlantic Ocean at the commercial metropolis of the continent, and to Europe, upon which the young and enterprising business men of the country, in all ages to come, can compete successfully with moneyed and other powerful monopolies for the carrying-trade, not only of the continent, but also of the world. We do not expect that all heavy and bulky commodities from either section will pass over the route, but we do assume, without fear of successful contradiction, that if they go over other routes, as railroads or the Erie Canal, they will invariably do so at about the rates for which they can be carried on this. Thus we secure cheap transportation in all things, which by no possibility can be secured under the present and prospective state of affairs.

Third. By the competition created by this route we shall be able to reach European markets of almost unlimited demand, which are now closed and hermetically sealed up against us, because of the expense of reaching them. The mission of this enterprise is to reduce the cost of shipment from the valley of the Mississippi to Europe to thirty cents per bushel on cereals, and everything else in the same proportion. We

can then ship to Europe and a remunerative market our coarser products, as corn, oats, barley, hay, and other products.

Fourth. By this route we shall be able to compete successfully with the Baltic and Black Sea provinces for the wheat-markets of Europe, which are already of almost unlimited demands, *because* we can then ship to Liverpool, and other markets of Western Europe, our wheat for less than 30 cents per bushel, while it costs from 35 to 45 cents per bushel to bring it down from the grain-fields of Northern Europe and Central Asia.

The legislature of Illinois, in their resolutions to Congress on the subject of the Niagara Falls Ship-Canal, adopted December 21, 1871, say that "If the cost of transportation of the cereals to tide-water should be reduced 10 cents per bushel, our products would command the markets of all Western Europe."

We propose by this water-route so to "cheapen transportation" that the whole cost from the valley of the Mississippi to Liverpool, including insurance, commission, &c., shall not exceed 35 cents per bushel. The foregoing tables incontestably demonstrate this proposition. When we have reduced the cost to the same level, our shippers will inevitably secure the markets by the strength of competition.

WHAT ARE THE EUROPEAN MARKETS?

In the report of the Royal Agricultural Society, of England, for the year 1868, page 18, it is stated "that England, for the year 1870, and annually thereafter, will need at least 100,000,000 bushels of wheat over and above her own productions, to feed her populations of England, Scotland, and Ireland, and that the *increase* thereon will be about 5 per cent. per annum, or five million bushels."

About the 1st of November last, the following notice appeared in the London Times, from which it was copied into very many American papers:

IMPORTATIONS OF WHEAT.—For ten months ending the 1st of October, England has imported 130,000,000 bushels of wheat, over and above her own productions, to feed her populations of England, Scotland, and Ireland, and the probability—nay, certainty—is, that for the next two months her importations will amount to 20,000,000 bushels more, making, for the year, 150,000,000 bushels; and that, too, over and above a large importation of rye, barley, oats, and *some* corn from the States. The probabilities are, that for the coming year this amount will be increased about 10 per cent.; in other words, our importations for the year ending 1st of January, 1874, will be about 165,000,000 bushels, and more likely to be 10,000,000 more, than to fall short 5,000,000. Of this amount, the United States, with a surplus of 150,000,000 bushels, furnishes about 15,000,000.

We appeal to honorable members, and especially those from the wheat-growing States of the West, that this is a very bad showing for the most vital interests of your constituents. Is there no remedy? Yes, there is; to wit, in the construction and speedy completion of this ship-canal. We know of no other. All others have been tried, and utterly failed.

The foregoing statement is confirmed by the Mark Lane Express, of about the same period. The latter goes on to say, "that unless the Americans will cheapen transportation from the interior to the seaboard, so that they can compete with the producers of the Baltic and Black Sea provinces, the price of breadstuffs must be materially augmented in our markets." A prophecy which has been most emphatically fulfilled. The prices of provisions, *and especially breadstuffs*, have been very nearly doubled in the English markets within the last five years. Baring Brothers, the great London bankers and European

provision brokers, in their annual circular for the same year, (1868,) pages 13, 14, &c., state "that the demand of the European markets for agricultural products—especially cereals, as wheat, corn, oats, barley, &c.—exceed 500,000,000 bushels per annum; and that "if the Americans *will only open that water route from the valley of the Mississippi to the Atlantic sea-board, by the way of the great lakes and river Saint Lawrence, and thereby inaugurate 'cheap transportation' thereon*, they can and will supply *a very large proportion* of that demand."

But the West can never secure those markets with the present means and facilities for transportation, *because* it can never compete with the merchants and grain-dealers of Europe and Asia.

SIR MORTON PETO'S VIEWS ON THIS SUBJECT.

Sir Morton Peto, in his very interesting work on the Resources and Prospects of American Agriculture and Commerce, makes the following truthful observations:

How far is the amount of tonnage employed in inland intercourse in America adequate to the wants of the country? In considering this point we have to regard the very great length over which traffic has to be carried, and, looking at those distances, no reasonable doubt can be entertained that the *inland navigation of America is very inadequate to the wants of the people. It has not, in fact, kept pace with the population and progress of the country.* * * * * A vast mass of produce is yearly destroyed from the inability of the carriers to forward it. The owners are ruined, and parties in the Eastern States who advance money on this produce *must* charge excessive rates to cover the risks of delay. *The grain-producers of the Western States are quite unable to find sufficient means of conveyance for their products, because the railroads from West to East are choked with traffic.* * * * The produce of the Western States has, in fact, increased faster than the means of transport, and additional facilities for the conveyance thereof are urgently needed. * * * The prosperity of the West, the value of its produce, the value of its land, and the extent of land cultivated, *indeed, all the material interests of the country, therefore, depend upon increased facilities for the conveyance of its products to market.*

These are but a few and very brief extracts from the observations of that very astute and keen-sighted Englishman on this subject of "cheap transportation" between the East and West, which he has recorded in his book. These observations were made more than ten years ago. Since then our agricultural products have vastly increased, while the means and facilities for transporting them to an eastern and European market have not been enlarged at all, and while the costs of transit on most articles have been nearly doubled.

HOME AUTHORITIES ON THIS SUBJECT.

The Chicago Tribune, in speaking upon this same subject, more than two years ago, stated that "the West is even now at the end of its transit ability. *Not another ton of freight can be moved from the West to the East with the present means and facilities of transportation, immense as they confessedly are.*"

Governor Merrill, of Iowa, in a letter to Colonel L. A. Thomas, dated October 4, 1871, in commenting upon this statement, says:

If this was true at that time, (and I have not the slightest doubt of it,) how much more emphatically is it the case at the present day; the facilities of transportation thus fully occupied *then*, have not been increased, yet the population of the West in that period of time has been augmented by nearly, if not quite, a million of people, nine-tenths of whom are agriculturists, who by their industry and energy are adding immensely to her agricultural products, even while the fruits of their labor yield them little more than a bare living. And no amount of probable increase of railroad facilities will be adequate to the demand.

These are weighty and important words, because no man has given

more attention or devoted more time to the promotion of this measure than Governor Merrill. He is, in fact, one of the pioneers in this great national enterprise.

Mr. Bennett, late member of Congress from the Buffalo (New York) district, estimates that the reduction on freight by the enlargement of the locks of the Erie Canal "would equal a saving of $15,000,000 per annum on the movement of grain eastward by the water-routes."

In a report made by Hon. Israel T. Hatch to the Secretary of the Treasury, in January, 1867, (House Executive Document No. 78, second session Thirty-ninth Congress, page 4,) he says:

An elaborate investigation shows the following results as exemplified by a fair comparison, of the relative cost of transportation by rail and other means of conveyance best known in the United States:

By rail costs 733.3 per cent. greater than ocean transportation, 525 per cent. greater than by lake, 215 greater than Erie Canal, and 400 per cent. greater than Hudson and other river navigation.

The Erie Canal is 310 per cent. greater than by lake. Mr. Hatch goes on to say:

But the western producer is liable to suffer, not merely by reason of the necessarily great cost of railroad transportation, but by extortionate charges rendered practicable by the monopoly of immense railroad combinations and by the want of rival and competing routes and modes of transportation. The annual tax now imposed upon the people of the West by these enormous charges for tolls and freight, profits of dealers, all deducted from the final market-price of products, reducing the amount the producer receives, ought not longer to be endured, if it be practicable to avoid it.—(Ibid., p. 5.)

Mr. Hatch says still further:

Freights can be reduced, and thus, even without any increase in the price of wheat at its ultimate market, give to the producer more of that price than he now receives.

The following tables will illustrate this statement:

BY THE WATER-ROUTE DOWN THE SAINT LAWRENCE.

Cost of transportation to Liverpool per bushel, as above stated	$0 33
Marine insurance	2¼
Commission	3
Handling	2
Total	38¼

BY WATER AND RAIL TO NEW YORK, THENCE TO LIVERPOOL.

Cost of transportation via New York to Liverpool, per bushel	$0 51
Marine insurance	2¼
Commission	3¼
Handling, 2 cents, and one additional transshipment, 1 cent	3
Total	60

Now suppose wheat to be $1.30 in Liverpool. This will leave the shipper 92½ cents by the way of the Saint Lawrence, and 70 cents per bushel by the way of New York. This will make a difference of 22½ cents per bushel in favor of the Saint Lawrence route.

But there is now an embargo on certain articles of agriculture.

The above estimates are based upon the rates when there is no extraordinary pressure upon the roads. When there is such pressure, the costs of transportation are often twice, and sometimes three and four times as great. Sometimes there is an entire embargo upon certain kinds of produce, which now actually exists on oats. All the railroads throughout the country reaching to the eastern sea-board (August, 1872)

refuse to carry oats at any price. "The reason given is that other freights so crowd their roads that it is impossible to carry all, and hence they are compelled to discriminate against some articles, and consequently have done so against oats as least injurious to the public."

NO REMEDY BUT IN THIS WATER-ROUTE.

The only complete and possible remedy for all these evils and exactions is this water-route. This will be that "other entire system" of transportation which, and which alone, can by any possibility grapple with and overcome these monstrous and oppressive monopolies. With this route open to the Atlantic Ocean it would be impossible to make any combinations to put freights above fair and reasonable charges, because it would be impossible to combine the shipping interests of the lakes with the railroads for any such purpose. The latter might buy up all the vessels on the lakes, but before they could begin to reap the reward of their monopoly others would take their places.

IT IS CLAIMED THAT THE BUSINESS OF THE COUNTRY WILL NOT JUSTIFY THE WORK.

It is claimed by the opponents of this work that the business between the East and West will not, as yet, justify its construction. The Chicago Tribune, in the article above referred to, says: "That there are at least 10,000,000 tons of freight which would annually pass between the East and West, but which at the present time is entirely unprovided for by the present means of transportation." That was three years ago. Now, there are at least 40,000,000 tons of freight annually passing between the East and West, (or would be if there were means for transportation,) not more than 20,000,000 tons of which are, or can be, accommodated by the present means of transportation. In 1871, the States above enumerated raised about 1,500,000,000 bushels of cereals of all kinds, one-third of which, the coarser, as well as wheat, would seek an eastern and European market if the cost of transportation could be so reduced as to compete in the latter, and in that event there would be an annual shipment of at least 300,000,000 bushels to supply those markets, as also our own. At present the amount does not much, if any, exceed 100,000,000 bushels. With those means of transportation there would be at least 10,000,000 fat hogs to be sent to market from those States. These are but a *few* of the articles of agricultural produce to be forwarded *from* those States which go to make up the enormous amount of freight passing between the two sections.

NEW INDUSTRIES WOULD SPRING UP IN CONSEQUENCE OF THE OPENING UP OF THIS ROUTE.

New industries would spring up and flourish in consequence of the opening up of this water-route, especially in the article of hay. The average price of baled hay in the Liverpool markets for the last five years has exceeded $30 per ton. Whenever there is a temporary scarcity, as was the case a few years ago, the price far exceeds that amount. The entire lake region in the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin is far better suited to that crop than to any other. It is neither adapted to agricultural nor grazing purposes, being too level and uniformly cold for the former, and too wet for the latter; stock of all kinds being unhealthy, partly owing to the miasma rising from the

ground, and partly from always being confined to those low and generally wet lands, sheep, especially, often becoming deeply diseased with the foot-rot and scurvy. But for grass-crops those low lands are unequaled by any on the continent, and probably in the world. And yet there is no market for that peculiar product, and consequently no inducement to embark in its cultivation; under the present system, the cost of transportation to the markets of Western Europe being so great that the whole cargo would be consumed in the cost of transit; hence large areas of those lake-lands are idle and worthless, and will remain so until this market can be opened. If, therefore, that water-route can be so improved as that vessels of only 2,000 tons capacity, for example, can load at any point along the lakes and go directly through to Liverpool without transshipment, the lake farmers could successfully cempete with the European farmers in their own markets. This will be clearly demonstrated by a single example:

		Per ton.
English hay in the Liverpool market		$30 00
Lake hay, $5 per ton, to the farmer	$5 00	
Baling, and delivering at Lake Shore	5 00	
Average distance to Montreal, 800 miles at 5 mills per ton per mile	4 00	
From Montreal to Liverpool, 2,850 miles, at 2 mills per ton per mile	5 70	
Insurance to Liverpool, per ton	20	
Handling and commission, per ton	3 00	
	——	22 90
Clear profit per ton		7 10

From these estimates it will be observed that the hay interests of the lakes could, at once, successfully compete with the European agriculturists in their own markets, and those lake-lands be made very valuable. The demand for this product, as well as for the cereals, is rapidly increasing in all Western Europe, in consequence of a large portion of their best arable and meadow lands being devoted to the culture of the sugar-beet. This interest requires large numbers of cattle to consume the refuse, or "pulp," of the beet. A certain proportion of hay is indispensable in feeding the cattle, which are always kept in the stalls. It is cheaper and more economical to *purchase* this hay in the markets than to devote so large a portion of their best beet-lands as would be necessary to raise it. Hence, with that route open to the sea-board, the demand for baled hay from the lakes would be almost unlimited. The present European demand exceeds 3,000,000 tons per annum, a large proportion of which now comes from Sweden, Norway, and Russian Poland. Those States could also furnish the English grazers of cattle and sheep hay at a cheaper rate than they can possibly raise it themselves. So also the markets of London, Liverpool, Paris, and other cities of England and Western Europe. We could furnish them all at cheaper rates than the English farmer, or from the Baltic.

THE MANUFACTURING AND OTHER INTERESTS TO BE IMMENSELY BENEFITED BY THIS MEASURE.

The manufacturing, commercial, and other interests would be immensely benefited by this improvement, because it would furnish a remunerative and unlimited market for all of our agricultural products, thereby increasing the ability of the people of that section to consume the manufactures and other commodities and products of other portions of the country, and at the same time would not demand or require the sacrifice of any of those interests. The people in that section could

then very well afford to pay a pretty high tariff on iron and other manufactures of the Eastern and Middle States. It is the want of a *market* for their products, and not a high tariff, that oppresses the agricultural States of the West, and will continue to do so until those markets are supplied.

The opinion on this subject of one of the first statesmen of the country, as also one of the first minds of any age, is peculiarly appropriate just here:

With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures, will prosper together or languish together; and all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.—(*Daniel Webster*, 1824.)

The following article written by Mr. Alvin Bronson, now nearly ninety years of age, and for about seventy years a merchant and active business man, residing on Lake Ontario, has an interest and significance which would not and could not apply to the opinions of any other man now living, with the exception, perhaps, of Gerritt Smith, or Peter Cooper, of New York City:

CONTINENTAL PRODUCTION AND TRAFFIC.

Since preparing the foregoing paper I have had access to tables compiled by a commission appointed by the late commercial convention at Detroit, comprising the products in wheat, corn, and domestic animals of twelve States, calling Dakota a State, for five years, 1867 and 1872 inclusive.

These twelve States are clustered around and near the four great lakes, beyond the Niagara Falls, and on or near the Upper Mississippi, half of them having sprung up in the last two decades. In size each State, when averaged, is equal to the six New England States, or, in the aggregate, equal to seventy-two New England States, with a mild and salubrious climate and a generous soil. These States—Ohio, Kentucky, Indiana, Michigan, Wisconsin, and Illinois, east of the Mississippi; and Missouri, Iowa, Minnesota, Kansas, Nebraska, and Dakota, west of this river, contain about one-third of the population of the Union, yielding twice as much wheat and corn as the remaining twenty-six old States, comprising all the surplus grain of the Union, together with half the domestic animals and their products.

To give value to these great and productive States and as many more soon to follow in the Northwest, the long-delayed Niagara Ship-Canal on our side of the national border is an important element. This improvement, emphatically national, extends the eight hundred miles of lake navigation, embracing Lake Ontario, to one thousand miles in the direction of the Atlantic; a channel of trade that not only defies monopoly, but is invested with the power of breaking down all monopolies on this part of the continent, such as State canals, incorporated railroads with large capitals, seeking large dividends or watered stock by extorting high prices, instead of cheapening transportation. All this will be achieved by this national enterprise and a laudable and healthy competition established from the Chesapeake to the Saint Lawrence for the vast products of the Northwest.

The worthy projectors of the Erie Canal propounded the theory "that trade once afloat on Lake Ontario would seek an English market, enriching our commercial rival."

This theory was derived from a long-cherished fallacy, on which was founded the ancient British navigation laws, and, more recently, her corn laws. These encouraged exportation and discouraged importation by bounties, duties, and penalties. Commerce was deemed a game by which one party won what the other lost, the winner hoarding the precious metals. This vicious system gave way when Great Britain found in the United States a competitor strong enough to retaliate by countervailing bounties and restrictions, and ready to reciprocate free trade in the commodities of both, and thus avoid the folly and waste of employing two ships to perform the work of one. Near the middle of the present century, under the administration of Sir Robert Peel, these statutes were swept from the British maritime code, and soon followed by the Ashburton treaty of reciprocity, which, in an evil hour, was abrogated by our Government, under the influence of bad temper, provoked by Canadian favor to southern rebels and renegades. This ill-judged measure has been partially remedied by the late treaty of Washington, which restores the free navigation of the Saint Lawrence.

The congress of sovereigns convened at Vienna in 1815, prepounded the theory that

nations owning and occupying the upper waters of a river had the right of trade and transit through its mouth with the ocean, although the mouth of the river was owned and occupied by another nation. This doctrine, or national law, has been recognized and fortified ever since by usage, by treaties, by permits, both in Europe and America, applicable to the Danube and the Saint Lawrence. When the agitation of the north-western boundary threatened the harmony of two nations, two articles appeared in the Journal of Commerce, New York, almost simultaneously, advocating the mutual free trade of the Saint Lawrence and the Columbia; one originating at Oswego, the other signed by the late distinguished statesman Albert Gallatin. The first quoting the action of the Vienna convention, the other by Mr. Gallatin, saying "This theory, or tenet, had become almost the settled law of nations in Europe."

It may safely be assumed that we shall hereafter enjoy the benefits of this outlet for the products and traffic of our vast domain, improved and perfected by the funds of Great Britain, instead of a commercial rival, a co-worker with and for us, for the joint benefit of both, as we are joint proprietors of the continent; nor will her share of these benefits be the largest.

With a second transcontinental railroad completed, the Niagara barrier broken down, the Green Mountain impediment removed; with shipping and barges, internal and external, quadrupled in tonnage and doubled in speed, with free trade for a motto and enlightened labor for a watch-word, our continent will exhibit a scene of activity, wealth, and power, such as the world has never witnessed, and that in a period shorter than has been allotted to the humble author of this paper.

ALVIN BRONSON.

OSWEGO, *October* 1, 1872.

CHEAP FOOD WOULD REMOVE ONE, AND PROBABLY THE MAIN, INDUCEMENT TO "STRIKES" AMONG OPERATIVES.

The question of cheap food is one of vital importance to the Eastern States. Cheap food makes cheap labor, *which is the foundation of the success of manufactures.* High prices of food cause a demand for higher prices of labor, strikes among operatives, interruptions to business, and general distress and loss in manufacturing communities.

Cheap transportation would have the effect of reducing the price of provisions, and would thereby benefit the manufacturers of the East as much as it would the farmers of the West.—(Report of the United States engineer of the James River and Kanawha Canal, 1871, p. 78.)

The present strikes and disastrous troubles among the operatives of the manufacturers and mechanics in all the eastern cities and manufacturing districts can be traced directly to the high prices of provisions and other necessaries of life.

The following are a portion of the resolutions of a meeting held in New York City in May last by the carpenters and bricklayers of that city, to wit:

Resolved, That the enormous charges exacted by railroads and other transportation companies between the food-producing States of the West and the Atlantic sea-board so enhance the prices, not only of provisions, but also of every description of manufactures and other necessaries of life as well, that the present wages paid to mechanics and laborers in our respective trades and business in this city are not adequate, *with the most rigid economy,* to the support of the employés in those trades and their families.

Resolved, That such deficiency in our respective trades, to wit, the carpenters and bricklayers, and doubtless the same is true in all others, amounts to fully 25 per cent. of our wages. The less the rate of wages the greater the deficiency, and hence the greater distress.

Resolved, That while we presume the same causes operate to depress, to some extent at least, the business of our employers, that fact cannot by any possibility mitigate *our* difficulties or its consideration *deter* us from demanding a fair and reasonable increase of our wages to meet those extra expenses.

Resolved, That we protest against the burdens of society and the business community, caused by the enormous and unreasonable exactions and extortions of moneyed corporations and other combinations of capital, being thrown upon the mechanics and laboring men of the country. Let each class, the employer as well as the employé, bear their equal proportion of those burdens.

Resolved, That if we must still work for our present wages we shall be compelled to do so at prices *which are not adequate to the comfortable support of ourselves and families.*

The main causes, then, of the distress and consequent strikes among mechanics and laborers in our eastern cities and manufacturing dis-

tricts are here condensed into the smallest possible compass. What are those causes? We answer, "*excessive costs in transportation.*" What is the remedy? Obviously, "*to reduce those costs.*" But how can that be done? Just here comes in the difficulty in solving this problem, to wit, "cheap transportation." Can that result be secured by the present means of transit between the West and East, to wit, the railroads and the Erie Canal? *Then why has it not been done?* That man would be regarded as not well posted on this subject, to say the least, who would assume any such solution. The causes lie far deeper, and can never be eradicated by any modification of the present system. The true solution is this: we have but *one system* of transportation, and, therefore, *no competition.*

A COMPETING SYSTEM OF TRANSPORTATION INDISPENSABLE.

What, then, is the *remedy* for this state of affairs? Simply and only a "competing system" of transportation, which can neither be crushed out, bought up, or coerced into subjection to any monopoly or combination of monopolists whatsoever.

THIS WATER-ROUTE THE ONLY REMEDY.

That "system" can only be secured by opening up *continuous steam-navigation* from the valley of the Mississippi to the Atlantic Ocean on the route herein pointed out. We affirm that this is the *only* route, *because* there are at least ten or more good and substantial reasons for this position.

First. Because the depth and volume of water are such as to render its carrying capacity practically unlimited.

Second. Because it is right alongside of that "other system," to wit, the railroads and the Erie Canal.

Third. It is on the shortest and cheapest possible route between the grain-fields of the West and North and the Eastern and European markets.

Fourth. It will allow of the passage of vessels of more than fifteen times the carrying capacity of the largest freight-train, moving at an equal rate of speed, and for about one-sixth the charges of her cargo.

Fifth. It would move to the Eastern and European markets the entire agricultural products of all the Western States, and all the region lying beyond both West and North, and bring back all the manufactures and merchandise of those markets long before the close of navigation, and at less than one-fourth the cost now exacted by the present "system," to wit, the railroads and the Erie Canal.

Sixth. It would at once compel that other "system" to carry at about its "own rates," or get nothing to do; in other words, it would at once create an active and healthy competition in the carrying trade of the country.

Seventh. It would open up unlimited markets at remunerative prices for all our surplus agricultural products *without* in the least interfering *with* or demanding the sacrifice *of* any other material interests or industries of the country.

Eighth. By thus opening up remunerative markets for the agricultural products of the Western States, we at the same time, and in the same proportion, increase their ability to purchase the manufactures of the Eastern and Middle States.

Ninth. By opening up and securing the markets of Western Europe, American shipping, now lying idle and rotting at their wharves, would find remunerative employment in the carrying trade between the agri-

cultural States of the interior and the provision-markets of that continent.

Tenth. With this open route to the ocean the young and enterprising business men of the country could, at once, enter into competition with moneyed corporations and other combinations of capital in the carrying trade of the country with a fair prospect, nay, certainty, of success.

Eleventh. This would be the antidote for the distress and consequent strikes among artisans, mechanics, and laboring-men of the eastern cities and manufacturing districts, *because* it would add the 25 per cent. demanded by them to their wages by the reduction of the costs of transportation between the two sections of the country, and thereby reducing that much the cost of living.

Other reasons might be given why this route to the ocean should be opened up with the least possible delay, but surely the above *ought* to be sufficient.

We challenge the friends of the present or any other system to the proof that they can secure this indispensable requisite, to wit, "cheap transportation."

The allegation that this route is of little or no value, because *closed by ice nearly two-thirds of the year, is not sustained by history.* It is charged by the enemies of this route, and, of course, friends of the Erie Canal and the railroads, as also of the grievous and oppressive monopolies which they have succeeded in fastening upon the commerce of the country, that the assumed advantages of this route do not exist at all, or are of little value, in consequence of the short period of navigation; the same opening late in the spring and closing early in the fall.

THESE STATEMENTS NOT TRUE.

These, and all like statements, are without any valid foundation whatever, as a reference to tables kept at Quebec, Montreal, Kingston, and Toronto, for more than fifty years, most abundantly demonstrates. By those tables kept from 1814 to 1867, a period of fifty-three years, it appears that the average time of the opening of navigation at *all* those places was April 15, and the average time of closing December 10. The average number of days of actual navigation 272; the longest period 310 days, in 1843; the shortest period, 222 days, in 1832. The time of opening and closing has not varied from these average dates, not to exceed three or four times, during all that period.

OPENING AND CLOSING OF ERIE CANAL.

From tables and records kept by the canal commissioners of the State of New York, from 1824 to 1864, inclusive, the average time of the opening of the Erie Canal was April 15, and the average time of closing December 10. The earliest day of opening March 27, 1828, and the latest day May 6, 1857. The earliest day of closing November 25, 1846, and the latest day December 21, 1832. The greatest number of navigable days 269, in 1828, and the least number 214, in the years 1843, 1847, and 1856. Average number of days of navigation 232. In more than half of those years the maximum days of navigation have not varied two days from the above minimum of 214 days.

TIME OF OPENING AND CLOSING HUDSON RIVER.

From the same tables it appears that the average time of the opening of the Hudson River was March 25, and the average time of closing

December 10. The earliest day of opening February 4, 1842, and the latest day April 13, 1843. The earliest day of closing November 30, 1832, and the latest January 11, 1830. The average number of days of navigation 270. The greatest number, 309, in 1824; 308 days in 1842, and the least number, 220 days, in 1828. Here, also, in more than half of those years the maximum days of navigation have not exceeded the minimum of 220 days more than 3 days.

LAKE-NAVIGATION.

From the same tables it appears that the average time of opening of lake-navigation is April 20. The average time of closing December 15. The average number of days of navigation 280.

FACTS ESTABLISHED BY THESE TABLES.

These tables demonstrate that for fifty-three years prior to 1867 the average time of actual navigation down the Saint Lawrence to the Atlantic Ocean was 272 days. On the Erie Canal for forty years prior to 1864, the average time was 232 days, or 40 days less than down the Saint Lawrence. On the Hudson River the average time of navigation was 270 days, or 2 days less, and on the lakes 280 days, or 8 days more than down the Saint Lawrence.

ACTUAL TIME OF SUSPENSION OF NAVIGATION.

The average time of actual suspension of navigation for fifty-three years prior to 1867 on the Saint Lawrence was only 93 days; on the Hudson, 95 days; on the Erie Canal, 133 days, and on the lakes, 85 days in each year. Actual suspension of navigation for about the same period from Saint Paul (or Fort Snelling, a few miles above) to Saint Louis on the Mississippi, 130 days.

This astonishing phenomenon of extreme open navigation on the Saint Lawrence in that high northern latitude, (reaching at its mouth to 52°,) is mainly and probably *entirely* owing to the immense volume of warm waters coming down from the upper lakes, which do not run out or cool until very late in the fall, and often until far into the winter. Those waters also, always being warmer during the winter than the waters of the Hudson or Mississippi Rivers, cut out the ice on the Saint Lawrence earlier in the spring, and keep the river clear of ice later in the fall.

From the foregoing statements, taken from tables which are official and entirely reliable, it appears that the reports made by the opponents of this route, that it is blockaded by ice for more than half the year, which have been extensively circulated and have done vast damage and injury, *are without any foundation whatever*. That, in fact, this route affords not only far greater, indeed unlimited facilities, but a *longer period* of navigation than its more southern and more favored rival, to wit, the Erie Canal and Hudson River, exceeding the former by more than a month, or even than the Mississippi as far south as Saint Louis. Here, again, we challenge those opponents and enemies, or anybody else, to refute these statements. That it is quite as safe for steamers (which will only be used in this carrying trade) as the rival route to Liverpool, to wit, via New York City, is established by the fact that marine insurance on this route for steamers is the same as from New York to Liverpool.

In a letter dated Montreal, Ontario, December 12, 1872, Sir John Young, M. P., and an enterprising and wealthy merchant of that city, says:

That with the exception of a few days in the latter part of September, the rates of insurance on ocean steamers from Montreal to Liverpool, via river and Gulf of Saint Lawrence, from the opening to the close of navigation, are the same as from New York to Liverpool during the same period, and for those few days about one-fourth per cent. higher.

SEVERAL PROPOSITIONS DEDUCIBLE FROM THIS DISCUSSION.

From the foregoing facts and statements, which are entirely reliable and procured from the most authentic sources, the following propositions are fairly and legitimately deducible, to wit:

First. That those States, above enumerated, produce nearly three-fourths of all the main agricultural products of the country, and *all* the surplus of food (east of the mountains) to supply the markets of our own and foreign countries.

Second. That the costs of transportation are so great under the present "system" of transit, that nearly nine-tenths of the value of those products are consumed in getting them to market. In addition to those enormous charges, the pressure is often so great as to produce an entire embargo upon some articles.

Third. That the only escape *from* or even alleviation *of* those enormous and oppressive monopolies now imposed upon the industry of the country will be to *establish* as near alongside of the "*present system*" as can be done, an entirely *independent* system of transportation from the valley of the Mississippi to the Atlantic Ocean; and that this object can *only* be secured by the construction of this canal around Niagara Falls.

Fourth. That the agricultural interests of this country can never secure the benefit of the markets of Western Europe until a competing system of transportation shall be firmly established, so as to reduce the costs of transit below those from Central Europe and Western Asia.

Fifth. That the proposed ship-canal at Niagara Falls, being intended to remove an obstruction in a system of navigable water, recognized from the earliest colonial period of our country as "a public navigable highway," and being entirely within the limits of the United States, the same *should* be constructed *by* the United States; should be under its exclusive control and supervision; and should be *free* to the commerce of the whole country, except so much toll as may be necessary to keep the works in repair, and pay the current expenses of operating the same.

Sixth. That any delay on the part of the Government in making *some* provision for the speedy construction of this work would be most disastrous to the best interests of the whole country and more especially to the West, as well as to the Government itself, in preventing the development and increase of prosperity, population, and wealth, which cannot, by any possibility, be secured in any other way.

Seventh. That the policy of our Government *should* be to control our own trade and commerce between the East and West as well as in every other part of the country, and, therefore, that we should not depend upon the Welland Canal or any other work in a foreign country in the adoption of measures for the development of our own resources and the enlargement and extension of our own commercial interests.

Eighth. That neither the enlargement of that work nor of the Erie Canal to the capacity proposed, to wit, 1,000 tons, can meet the demands and necessities of the country, and more especially of the West, and therefore should not be depended upon or adopted to the exclusion of this work, because they cannot inaugurate, much less establish, "cheap transportation."

Ninth. By the opening up of this route, as contemplated in the foregoing programme, remunerative markets will be secured for all the surplus agricultural products of the West, without the sacrifice of any of the material interests of any other portion of the country.

Tenth. By thus supplying the markets for the surplus products which the West does now, and forever can, produce in unlimited amounts, the *capacity* for consuming the manufactures and other products of the Eastern and Middle States will be increased in the same proportion.

Eleventh. By supplying with breadstuffs and other agricultural products, and thereby controlling, the markets of Western Europe, we shall secure the balance of trade in our favor, and thereby put a most effectual stop to the annual drain of specie from this country to Europe to pay those balances now, and for many years past, largely against us. In other words, we shall pay these commercial and manufacturing balances in wheat, flour, corn, oats, barley, beef, pork, lard, &c., &c., the products of the prairie farms of the western plains, now the home of the Indian and buffalo, instead of paying them in gold and silver, as we are now, and for many years have been, doing.

Then New York, *instead* of London, would be the manufacturing emporium and monetary center of the commercial world. In conclusion, we would beg leave to submit this report and the accompanying resolution as expressive, not only of our own views on this great and important subject, but, as we believe, the views of the great mass of the American people in all parts of the country.

We would therefore respectfully submit, for the consideration of Congress and the country, the following resolution, to wit:

Resolved, That the undersigned, the executive committee of the commercial convention which assembled at Detroit, in the State of Michigan, on the 13th of December, 1871, would respectfully present the foregoing facts, statistics, and arguments for the consideration of Congress. And we do most cordially and sincerely unite in the opinion and conviction expressed by that convention, as also by the people in all parts of the country, that greater facilities and cheaper rates of transportation between the different sections of the country, and more especially between the great food-producing States of the West and Northwest, and the Atlantic sea-board, are an imperative necessity to the continued development and consequent prosperity of the whole country; and that one, and probably the most efficient, means to secure those results, will be the speedy construction of the proposed ship-canal around the Falls of Niagara, on the American side thereof. We would, therefore, respectfully but urgently, in behalf of the people of the whole country, request that Congress adopt such legislation, at its present session, as shall secure the speedy construction of that work.

LEWIS A. THOMAS, Iowa;
JOHN BURT, Michigan;
CHARLES RANDALF, Illinois;
DANIEL G. FORT;
GEORGE I. POST, New York;
T. C. HERSEY, Maine;
J. H. GRAY, District of Columbia;
C. D. ROBINSON, Wisconsin;
RALPH P. BUCKLAND, Ohio,
Executive Committee.

DETROIT, MICHIGAN, *November* 26, 1872.

APPENDIX.

EFFECT OF COMPETITION BETWEEN OCEAN AND ALL-RAIL TRANSPORTATION ACROSS THE CONTINENT FROM SAN FRANCISCO.

The effect of competition between ocean and all-rail transportation has an illustration upon a large scale in the carrying of flour, fruit, tea, China silks, &c., from California to New York, Boston, and the States generally east of the mountains. The Central Pacific Railroad and its connections across the continent carry flour from San Francisco all the way across the continent, and for more than a thousand miles across the wheat-fields of the Missouri and Mississippi Valleys to New York, Boston, and other eastern markets, for less than half the average charge for transportation of wheat from those valleys to the same markets, and even for less than the ordinary ocean rates. The reason is that the several lines of ocean-steamers by the way of Panama will carry it at the same rates. The railroad gets a large share of this business, because of its quicker transit, and the avoidance of the tropical ocean climate. The average rate is about 34 cents per bushel. A vast amount of that flour goes direct from Boston to Liverpool, because the cost of transit from San Francisco to that point, a distance of more than eight thousand miles, is less than from the Baltic and Black Sea provinces. The superior quality of the article undoubtedly has a good deal to do with this trade. So also with the California fruits, as pears, grapes, &c. The railroad will bring those fruits into all the Eastern and Middle States and undersell the home fruit-growers. So extensive is this trade becoming that it is a cause of general complaint and apprehension among all the fruit-growers of the Atlantic States. This also is directly traceable to the same cause, to wit: competition between ocean and rail transportation.

THE GRAIN-TRADE OF CHILI WITH WESTERN EUROPE.

Another illustration of the effect of water-transportation, as also competition on rival routes, has a most emphatic illustration in the grain-trade of Chili with Liverpool and other grain-markets of Western Europe. Valparaiso, her principal port of shipment, is more than 14,000 miles distant, nearly five times the distance from New York to Liverpool, and yet the Chilian wheat and flour, to the full amount of her crop, drives out and keeps out of those markets our wheat and flour shipped from ports not a fourth the distance. She is also able to sell her whole crop to the exclusion of the Baltic and Black Sea wheat, because she can ship that entire distance at cheaper rates than can be brought down from these regions. Competition there also has a very strong influence in the reduction of prices for transportation. One route from Valparaiso and other Chilian ports is by Cape Horn, the other by Panama. These are rival routes, and they are perpetually bidding against each other, and yet both do a remunerative and profitable business. Before the Panama route was opened, and therefore competition impossible, very little wheat was shipped from any of the Chilian ports, because the cost of transit was so high that they could not compete with the Baltic and Black Sea. The same is true also in the carrying-trade from San Francisco east, of the teas, silks, and other merchandise from China and Japan. Whenever the ocean-route reduces the

rates of freight by that route, the railroad will instantly do the same thing. Some six months ago the steamers reduced the rate on teas 50 cents on the chest, and other freight in the same proportion; in less than a week the railroad did the same. And so in all cases, whenever the steamers reduce the charges on transportation the railroad will instantly do the same thing.

THIS COMPETITION HAS REDUCED THE ENGLISH CHINA FLEET NEARLY ONE-HALF, AND SO OF THE RATES OF TRANSPORTATION.

Since the line of steamers from San Francisco to Japan and China has been established, the English-China fleet of ocean sail-vessels, which formerly numbered more than forty sail, of more than 2,000 tons burden each, has been reduced nearly one-half, and the charges for transportation in about the same ratio. The reason is that they cannot stand up against the shorter, quicker, and cheaper route across the Pacific, and the all-rail route across this continent. And, as before stated, the Panama ocean-route keeps the railroad to reasonable terms. The consequence is that the shorter and cheaper route is having all it can possibly do (at remunerative rates, too) in freight-transportation. The great amount of that business more than compensates for the low rates. This illustrates exactly what we claim will be the effect of the construction of this canal. Our agricultural produce as well as merchandise moving west will not all go on that route, but it will be carried (if at all) over others at the rates which this route can and will carry them.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 23.

DEFICIENCIES FOR EXPENSES OF UNITED STATES COURTS.

LETTERS

FROM

THE ATTORNEY-GENERAL OF THE UNITED STATES,

ADDRESSED TO

THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,

RESPECTING

An application for deficiencies of appropriation for expenses of United States courts, and statement of expenditures under former appropriations for the same.

DECEMBER 19, 1872.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, December 2, 1872.

SIR: I have the honor to inform your honorable committee that the appropriation made for the expenses of the courts of the United States for the fiscal year ended June 30, 1872, is exhausted. Accounts for services in said year amounting to $204,093 are now in the hands of the accounting officers of the Treasury, and I am informed that claims for witnesses' and jurors' fees, and for maintenance of prisoners, amounting to $66,209, are outstanding, ready for presentation as soon as means are available. Accounts are also received by the accounting officers daily, containing charges for services rendered during the last fiscal year, none of which can be acted on, owing to the deficiency in the appropriation.

I have, therefore, the honor to request that an appropriation in aid of this fund of $300,000 be made by Congress at an early day during its present session, to enable the Department to pay all just claims against the Government presented by these creditors.

Owing to the largely increased expenses of the courts, especially in the Southern States, the appropriation heretofore made for that branch of the service has proved inadequate. The faithful and rigid enforcement of the laws throughout the United States, and particularly those in some of the Southern States known as the enforcement acts, has involved a large increase of expenditures over the sum which it was estimated would be sufficient for the service of the past fiscal year.

There is to the credit of the appropriation for the expenses of the courts for the fiscal year ended June 30, 1871, the sum of $659,567.35, which is not available, owing to the provisions of the fifth and sixth sections of the act of July 12, 1870, (16 Stats., p. 251,) which provide "that all balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year, and such balances not needed for the said purposes shall be car-

ried to the surplus fund." * * * I would suggest that this balance be, by appropriate legislation, removed from the operation of said sections, and this Department be authorized to use it for such expenses of the last fiscal year which remain unpaid, and for the service of the present fiscal year, should the appropriation therefor not hold out. The expenditures from that appropriation have been largely augmented by the payments to supervisors of elections and deputy marshals, as provided for by the act of February 28, 1871, and by the amendment thereto contained, and the act making the appropriation of June 10, 1872; and it is possible that the appropriation may be exhausted before the expiration of the year.

I respectfully submit these suggestions as to this balance for the consideration of the committee, and would add that the business of the Department would be facilitated, and the accounts of the officers of the courts more expeditiously examined and settled, if appropriations for the present and subsequent fiscal years be entirely relieved from the operation of the fifth, sixth, and seventh sections of the act of July 12, 1870, above referred to.

I invite your attention to my letter addressed to your committee on the 7th of February last, wherein I expressed my views in full as to the necessity for taking such action in regard to the appropriation.

Should the views of the committee in regard to the appropriation coincide with mine, I have to request that the balance for 1871 be made available as early as practicable. Should, however, the committee entertain different views upon the subject, then I would respectfully request that a bill be introduced appropriating $300,000 at an early day, as it is important that the indebtedness be provided for with as little delay as possible. May I ask that a bill be introduced especially for this appropriation. If it is put in the general deficiency bill, it may be some time before it is available.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, December 13, 1872.

SIR: I have the honor to transmit herewith a detailed statement of the expenditures from the appropriation "for the expenses of the United States courts" for the fiscal year ended June 30, 1872, made during that year; also, a statement of the expenditures made from that appropriation for services rendered during that year, but paid within the present year. The aggregate amount of the expenditures to date is $3,279,908.46. The appropriations were $3,200,000. There have been repayments by marshals to this fund of about the amount expended in excess of the appropriations; that is to say, money was advanced to the marshals for the service of the year, and in the settlement of their accounts, there being in their hands a surplus not needed for the service of that year, it was returned to the Treasury and credited to the fund, and then paid out again.

Very respectfully, GEO. H. WILLIAMS,
Attorney-General.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Statement of expenditures from the appropriation for expenses of the United States courts for the fiscal year ended June 30, 1872, made within the year.

States and Territories.	District.	Marshals.	Attorneys.	Clerks.	Commissioners.	Rents.	Miscellaneous.	Total.
STATES.								
Alabama	Northern	$29,599 00	$940 00		$305 23			$30,844 23
Do	Southern	37,056 00	230 00	$512 60	72 22			37,870 82
Arkansas	Eastern	32,715 00	3,280 00	1,306 75	290 00	$1,050 00		38,641 75
Do	Western	243,809 00	3,915 00	2,027 35	4,404 45	734 00	$800 20	255,690 00
California		26,326 50	5,045 00	4,117 60	310 45	12,000 00	4,205 20	52,034 75
District of Columbia		85,280 00	13,151 13	6,794 64	383 70		4,110 33	109,719 80
Expenses United States jail							30,121 81	30,121 81
Connecticut		7,100 00			186 05		413 63	7,699 68
Delaware		4,629 00	240 00	424 75				5,293 75
Florida	Northern	30,866 00	1,151 00	821 35	168 55	1,500 00		34,506 90
Do	Southern	5,000 00	1,327 00	59 00	49 30	1,250 00		7,676 30
Georgia		80,350 00	2,963 80	755 00	1,637 05	766 67	228 00	86,700 52
Illinois	Northern	6,229 00	3,720 00	3,718 88	100 00	347 50		14,115 38
Do	Southern	25,255 00	1,968 00	325 00	30 00			27,578 00
Indiana		28,515 98	3,782 97	1,304 15	471 75			34,074 85
Iowa		60,891 00	3,316 60		504 35	666 66		65,378 61
Kansas		73,608 00	5,601 00	3,689 95	591 80	565 00		84,055 75
Kentucky		83,250 00	5,314 20	2,539 15	2,789 20	450 00	3,902 00	98,244 55
Louisiana		30,000 00	2,495 00	216 85	1,365 25		368 00	34,445 10
Maine		10,396 00		458 48	410 25	1,140 33		12,405 06
Massachusetts		794 00	9,903 00	2,280 55	3,054 15			50,031 70
Maryland		25,575 00	4,947 50	1,026 05	1,419 50			33,010 05
Michigan	Eastern	35,817 25	4,276 66	638 00	755 10		317 13	41,805 14
Do	Western	14,668 00	2,361 20	949 85	535 15	1,487 99		20,002 19
Minnesota		25,355 00	2,000 00	1,044 51	1,295 20	825 00		30,519 75
Mississippi	Northern	39,969 00	4,255 40	922 65	313 60	636 00		46,096 65
Do	Southern	87,666 59	7,561 48	540 00	467 40	100 00	593 00	96,928 47
Missouri	Eastern	26,115 00	3,545 00	247 45	486 95			30,394 40
Do	Western	35,896 15	2,918 40	910 56	1,069 20	315 00	620 95	41,730 26
Nebraska		47,938 00	3,270 00	846 30	1,132 95	1,125 00		54,312 25
Nevada		(*)		676 50	18 80			695 30
New Hampshire		5,060 00	1,259 90	381 15	174 05	50 00		6,925 10
New Jersey		15,493 00	1,876 14	1,525 30	443 65	400 00		19,738 09
New York	Northern	100,000 00	13,325 54	1,209 20	27,743 70		748 20	143,026 64
Do	Southern	65,000 00	19,896 00		3,764 10	25,000 00	1,047 85	114,707 95
Do	Eastern	20,000 00	4,870 19		2,161 65	5,000 00		32,031 84
North Carolina		167,391 00	6,685 50	2,935 24	6,604 67	751 90		184,368 31
Ohio	Northern	35,678 00	5,645 00	1,712 73	1,062 80			44,098 53
Do	Southern	41,500 00	7,235 13		1,442 30	525 00	1,121 31	51,823 74
Oregon		8,405 00	481 50	927 50		1,050 00		10,864 00
Pennsylvania	Eastern	38,645 00	5,045 00	1,261 63	725 55		2,862 60	48,539 78
Do	Western	68,226 00	2,745 60	1,839 95	314 05	50 00		73,175 60
Rhode Island		9,907 00	498 00	468 25	98 95			10,972 20

Statement of expenditures from the appropriation for expenses of the United States courts, &c.—Continued.

States and Territories.	District.	Marshals.	Attorneys.	Clerks.	Commissioners.	Rents.	Miscellaneous.	Total.
STATES—Continued.								
South Carolina		$133,423 77	$15,758 92	$2,867 82	$16,385 72	$450 00	$1,501 00	$170,387 23
Tennessee	Eastern	37,793 00	2,620 90	2,327 70	609 06	833 00		44,183 66
Do	Western	67,879 32	3,333 33	937 50	3,319 20	625 00		76,094 35
Do	Middle	39,597 52	3,646 35	1,005 50	990 35			45,239 72
Texas	Eastern	26,000 00	2,609 00	642 80	497 70	600 00		30,347 50
Do	Western	40,225 00	2,443 95	244 65	422 25	2,175 00	106 45	45,617 30
Vermont		11,084 00	1,307 40	1,584 75	229 50			14,205 65
Virginia	Eastern	26,073 00	4,745 20	2,442 75	1,386 10			36,646 05
Do	Western	41,511 00	3,514 40	1,728 10	1,305 20	552 25		48,610 95
West Virginia		19,831 00	2,652 80	669 70	510 85			23,664 35
Wisconsin	Eastern	14,250 00	1,022 20	1,130 10	271 35			16,673 65
Do	Western	20,441 00	2,131 40	3,609 84	77 05			26,259 29
TERRITORIES.								
Arizona		12,296 00	925 00	663 95	110 25	66 70		14,061 90
Colorado		37,500 00	766 50	1,172 45	24 80	360 00		39,843 35
Dakota		64,125 50	2,329 70	1,609 90	319 10	1,090 00		69,474 20
Idaho		14,032 05	772 00	495 00	715 00			16,074 05
Montana		26,774 48	1,021 00	803 90	38 75	1,133 34		29,771 47
New Mexico		32,261 00	1,776 50	1,480 09	40 00			35,557 59
Utah		18,500 00		15 00				18,515 00
Washington		24,747 00	2,223 00	597 20	453 50			28,020 70
Wyoming		9,500 00	825 00	630 05	9 65	1,275 00		12,239 70
Total		2,551,789 56	229,465 29	78,094 26	96,194 45	67,721 34	53,067 66	3,076,332 56

Statement of expenditures from July 1, 1872, to date, from the appropriation for expenses of the United States courts for the fiscal year ended June 30, 1872.

States and Territories.	District.	Marshals.	Attorneys.	Clerks.	Commissioners.	Rents.	Miscellaneous.	Total.
STATES.								
Alabama	Northern	$7,000 00						$7,000 00
Do	Southern		$220 00					220 00
Arkansas	Eastern	258 20	955 00	$857 55	$108 10	$350 00		2,528 85
Do	Western		545 00		23 35	150 00		718 35
California			2,722 83	3,263 60	214 00	1,000 00		7,200 43
Connecticut			508 80	199 92	115 40		$300 00	1,124 12
Delaware			200 00	161 25				361 25
District of Columbia		5,223 00	1,000 00				55 97	6,278 97
Florida	Northern			303 40	8 30	500 00		811 70
Do	Southern		441 00		7 70	250 00		698 70
Georgia		4,500 00	1,484 25	831 80	979 47			7,795 52
Illinois	Northern	2,600 00	300 00	2,234 23	565 35			5,699 58
Do	Southern		1,896 80	120 00	57 75			2,074 55
Indiana			1,242 50		85 15			1,327 65
Iowa			535 00	2,131 95		116 00		2,782 95
Kansas			375 00	719 15	482 25	125 00		1,701 40
Kentucky			4,246 40	2,714 60	375 20	150 00		7,486 20
Louisiana			2,104 46	735 50	884 85			3,724 81
Maine				245 75	105 40			351 15
Massachusetts			1,875 00					1,875 00
Maryland			500 00	779 15	773 60			2,052 75
Michigan	Eastern		415 00	247 10	136 80		346 77	1,145 67
Do	Western		450 00	331 00	110 60			891 60
Minnesota		2,693 00	40 00			275 00		3,008 00
Mississippi	Northern				267 25	160 00		427 25
Do	Southern		560 00	1,213 68	69 40			1,843 08
Missouri	Eastern	7,562 60	435 00	863 71	59 65			8,920 96
Do	Western		135 30	295 00	54 95	105 00		590 25
Nebraska		10,000 00	90 00	813 60				10,903 60
Nevada		3,680 00						3,680 00
New Hampshire			409 70	357 40	55 85	150 00		972 95
New Jersey			300 00	829 75	92 60			1,222 35
New York	Northern		4,581 20	1,191 08	3,674 04		1,409 09	10,855 41
Do	Southern		4,450 95	770 00	51 00			5,271 95
Do	Eastern		4,340 00	2,546 55	1,773 85			8,660 40
North Carolina		20,000 00	840 00	134 88	4,187 65			25,162 53
Ohio	Northern	73 65	2,160 00		258 05			2,491 70
Do	Southern		4,256 67	1,097 40	322 80		268 75	5,945 62
Oregon			30 00			350 00		380 00
Pennsylvania	Eastern		2,710 00	1,953 65	93 90			4,757 55
Do	Western		1,880 60	1,187 90	63 60			3,132 10
Rhode Island			500 00	389 45	110 70			1,000 15
South Carolina		7,500 00	625 00	1,643 27			467 75	10,236 02

Statement of expenditures from July 1, 1872, to date, from the appropriation for expenses of the United States courts, &c.—Continued.

States and Territories.	District.	Marshals.	Attorneys.	Clerks.	Commissioners.	Rents.	Miscellaneous.	Total.
STATES—Continued.								
Tennessee	Eastern		$750 00	$633 90	$206 90			$1,590 80
Do	Northern	$244 28	1,215 00	1,031 37	130 35			2,621 20
Do	Western		2,290 00	2,057 95	194 80	$937 50		5,480 25
Texas	Eastern	4,765 00	222 90		562 00			5,549 90
Do	Western		986 20		88 65	675 00	$258 45	2,008 30
Vermont			1,504 00		14 60			1,518 60
Virginia	Eastern		755 40	734 80	628 65			2,118 85
Do	Western		125 00	896 80	76 20			1,098 00
Wisconsin	Eastern		400 00	1,693 69	168 55			2,262 24
Do	Western							
TERRITORIES.								
Arizona			265 00	10 00				275 00
Colorado			115 00		23 47			138 47
Dakota			80 80	155 60	25 75	280 00		542 15
Idaho			110 00	80 00		250 00		440 00
Montana			265 00	155 65		566 66		987 31
New Mexico			150 00	275 20	17 60			442 80
Utah							65 00	65 00
Washington			87 00	107 90				194 90
Wyoming			356 86	77 25	50 95	450 00		935 06
Total since July 1, 1872		76,089 10	60,039 62	39,093 58	18,341 66	6,840 16	3,171 78	203,575 90
Total up to July 1, 1872		2,551,789 56	229,465 29	78,094 26	96,194 45	67,721 34	53,067 66	3,076,232 56
Total up to date		2,627,878 66	289,504 91	117,187 84	114,536 11	74,561 50	56,239 44	3,279,908 46

DECEMBER 10, 1872.

DEPARTMENT OF JUSTICE,
Washington, December 14, 1872.

SIR: Yesterday I had the honor to transmit to your honorable committee detailed statements of the expenditures made from the appropriation for the expenses of the United States courts for the last fiscal year. I now inclose copies of several letters, numbered from 1 to 5, addressed by this Department to certain marshals of the United States, touching the expenses of the courts in their respective districts. Letters of a like character have been addressed to other marshals and officers of the courts.

You are aware, doubtless, that the Department cannot control the expenditures from this fund. When a marshal is in need of funds to defray the expenses of a term of his court, he makes his requisition upon this Department for the amount required. The amount asked for is sent to him, if the condition of his accounts in the Treasury Department will allow it. After the court has adjourned, he makes up his accounts for the expenses of that term, verified under oath and certified to by the judge as being correct, and afterward they go to the accounting officers of the Treasury for settlement; and, if they are rendered in accordance with law, they are passed to his credit.

One noteworthy cause of the large expenditure arises from the great number of witnesses summoned, frequently from a long distance, and, I often thought, in many instances unnecessarily. But this is a matter I cannot control, it being entirely within the jurisdiction of the officers of the courts. I have, however, as you will see by the inclosed copies of communications, endeavored to prevent such a large outlay of money for this purpose by urging that the number of witnesses be limited to those whose testimony is of importance. I have every reason to believe that large numbers of witnesses are summoned whose testimony is almost, if not entirely, worthless, thereby entailing upon the Government large expense without corresponding benefit.

I invite your attention to the large expenditures made in the western district of Arkansas. This is caused by the extent of that district, which comprises thirty-two counties of Arkansas and all the Indian Territory. I think a reduction of expenses could be made either by dividing that district into two, thus making the Indian Territory one district, or by establishing a court within the limits of that Territory. The courts for that district are held at Helena and Fort Smith. The business of the latter court is mainly from the Indian Territory, and the persons charged with crime and the witnesses are brought hundreds of miles to the place where the court is held. This not only entails a serious inconvenience to the witnesses and others, by bringing them so far from their homes, causing a loss of time, but is one of the sources, if not the greatest, of the large expenditures in that district.

On the 15th of March, I had the honor to address a communication upon this subject to Senator Harlan, a copy of which I inclose, marked A, to which I respectfully invite the attention of your honorable committee. I believe a bill was introduced in the Senate in accordance with my suggestions, but I am not informed of its present condition.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

No. 1.

DEPARTMENT OF JUSTICE,
Washington, March 27, 1872.

SIR: It appears upon an examination of the judiciary fund for the eight months of the present fiscal year, ended the 11th instant, that there has been advanced to you, for defraying the expenses of the United States courts in Dakota, the sum of $49,000. This enormous expenditure in your Territory for this purpose causes me much concern. I am unable to comprehend how it is possible for such a large sum of money to be expended unless great extravagance obtains in its disbursement.

In an interview with Mr. Cowles, the United States attorney for Dakota, this morning, he informs me that it is a common practice for the grand jurors to cause subpœnas to be issued without his knowledge or consent. It is the duty of the district attorney to ask for subpœnas in all cases which are presented to the grand jury; and hereafter you will serve no subpœnas upon persons to appear before the grand jury unless they have been issued at the request or under the direction of the district attorney. This practice of issuing subpœnas at the dictation or upon the request of members of the grand jury is, I am informed, one cause of the large expenditures in your Territory for court expenses.

By conforming strictly to the above directions in regard to subpœnas, doubtless you will be able to reduce expenses somewhat; and I hope you will use every proper means in your power to keep the judicial expenses of your Territory within reasonable bounds.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

L. H. LITCHFIELD, Esq.,
United States Marshal, Yankton, Dakota Territory.

No. 2.

DEPARTMENT OF JUSTICE,
Washington, June 24, 1872.

SIR: I am in receipt of your requisition of the 11th instant for $10,361.70, to defray the expenses of the August term of the United States courts at Salisbury and Asheville.

There has been advanced to you during the present year the sum of $66,307. The expenses of your district have of late become so enormously large that I am constrained to again call your attention to the fact.

On the 13th instant I wrote urging upon you the necessity for the most rigid economy in your expenditures for court expenses.

The appropriation for this purpose made by Congress at its last session for the present fiscal year is very limited, and it will be only with the greatest possible care in its disbursement that it will suffice for the year.

It appears to me that the amount of $40,000, remitted to you last month, should be sufficient to defray all the expenses of your district, including the term for which you have now made requisition. I do not understand how it is that the expenses of your district are greater than, with one exception, those of any other. I do hope that in the future you will exercise more economy.

Should the amount advanced be already expended and you have not now sufficient funds on hand for the August terms of the courts at Salisbury and Asheville, I will make you a remittance; but I trust you can get along with what funds you have on hand.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

S. T. CARROW, Esq.,
United States Marshal, Raleigh, North Carolina.

No. 3.

DEPARTMENT OF JUSTICE,
Washington, July 13, 1872.

SIR: My attention has been called to the large increase in the expenses of the United States courts in your district during the past twelve months. It appears from the records of the Department that, for the June term of the circuit court held at Raleigh,

there was advanced to you, on the 19th ultimo, $20,000, and on the 29th, upon your statement that the funds placed in your hands to defray the expenses of that term of the court had been exhausted, and that $20,000 more would be needed, that amount was remitted to you.

The expenses of the courts generally throughout the country, and particularly in the South, have of late reached such an enormous sum that I am constrained to invite the attention of the several United States marshals to the fact and to express the hope that in the future more economy may be exercised by them. It appears to me that with due economy the expenses of your courts should not be near as heavy as they are. It has come to my knowledge that a very large portion of these expenses is for witnesses' fees and their travel. Much abuse exists in the summoning of witnesses. They are summoned from a great distance and kept at the place where the court is being held for weeks at a time, when the testimony they may be able to give is immaterial, or perhaps they may have no knowledge whatever of the circumstances of the case in which they are called as witnesses.

I desire that you will confer with the district attorney, that such measures may be adopted as will enable you in future to avoid this evil, and thereby cause the expenses of the courts in your district to be kept within a reasonable sum.

Please inform me how much of the last remittance of $20,000 will be required by you to defray the expenses of the term of court for which it was sent.

Very respectfully,

GEO. H. WILLAMS,
Attorney-General.

S. T. CARROW, Esq.,
United States Marshal, Raleigh, North Carolina.

No. 4.

DEPARTMENT OF JUSTICE,
Washington, August 27, 1872.

SIR: My attention has been called to the great increase of the expenses of the courts of your district since your appointment to the office of marshal.

It appears that in May there was remitted to you, $34,150; in June, $22,500, and in July, $31,200, making the aggregate $87,850; and that there is now a requisition awaiting the action of this Department for $9,000 more.

I do not understand, and cannot comprehend, how it is that the expenses of your courts have so enormously increased. I am aware the recent trials of persons indicted for violations of the enforcement act have to some extent increased your expenses, and I make due allowance therefor; but the expense of such trials cannot alone, without the most unwarrantable extravagance, be the cause of this great increase. More economy must be exercised by you in the disbursement of the public funds. At the present rate of expenditure the courts in South Carolina will cost the Government nearly $300,000 per annum. This cannot be allowed to continue, for, if it does, the small amount appropriated by Congress at its last session for the expenses of the courts will soon be exhausted. The increase of the expenses of the courts generally in the South is to me a source of apprehension, and the officers of the court must hereafter use all the means that may be in their power for the reduction of these expenses.

I trust it will not be necessary to call your attention to the subject again and that you will endeavor to be more economical in the future.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

R. M. WALLACE, Esq.,
United States Marshal, Charleston, South Carolina.

No. 5.

DEPARTMENT OF JUSTICE,
Washington, August 31, 1872.

SIR: On the 27th of March last, your attention was invited to the large expenditures made by you for court expenses, and you were directed to exercise in the future more economy in the disbursement of the public funds. Since that time there has been paid to you for this purpose $36,530, and it does not appear that my injunction to practice more economy has been heeded.

There are few States, and no Territory, in the country in which the expenses come anywhere near those of Dakota. I am unable to account for the extraordinary expenses of your Territory, and I now have to ask of you some explanation as to the cause of this outlay of the public funds. I am aware that, owing to the great extent of territory and the long distance that has to be traveled to attend the various places at which the courts are held, the expenses are great, but while making due allowance for this I cannot believe that, with proper diligence on the part of the officers of the courts, the expenses should reach such an amount as has been expended by you.

I hope that it will not be necessary to call your attention to this matter again, and that hereafter your accounts will show a large decrease in the expenses of your district.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

L. H. LITCHFIELD, Esq.,
United States Marshal, Yankton, Dakota Territory.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 24.

ATLANTIC AND GREAT WESTERN CANAL.

MEMORIAL

OF THE

NATIONAL COMMERCIAL CONVENTION AT SAINT LOUIS,

IN RELATION TO

The Atlantic and Great Western Canal.

DECEMBER 19, 1872.—Referred to the Committee on Commerce and ordered to be printed.

To the Congress of the United States:

The National Commercial Convention, composed of representatives from every section of our Union, desires respectfully to call the attention of the Federal Government to the pressing necessity for water-lines of communication between the Mississippi River and the Atlantic Ocean.

This necessity has long been felt, but so rapid has been the growth and development of those States lying in the Mississippi Valley, and so vast has become the bulk of their agricultural products, that the question of providing adequate means of transportation demands the prompt and earnest attention of our statesmen.

It is indeed the question of overshadowing importance at this time; and upon the immediate solution of it depend the prosperity and contentment of by far the larger portion of our people.

Agricultural products form the original source of wealth to nine-tenths of our people. Beyond what is necessary for home consumption these products have no value without a market, and their value is, of course, increased or diminished according to the cost of getting them to consumers.

Cheap transportation therefore is vitally essential to successful commerce.

Our present means of carriage, both natural and artificial, are notoriously inadequate to the demands of our internal trade, while our foreign exports are so small as to render us almost contemptible in the eyes of commercial nations.

The amount of transportation necessary to move western produce gave rise to the Erie Canal, and to the great number of railways that connect the East and West. Many cherished the hope that the multiplication of railways would solve the question of internal transportation, but experience has proven its fallacy.

The products of the West are of a heavy and bulky nature. occupying much space, and consequently requiring cheap carriage. The actual

cost of carriage to the railways, to say nothing of their profits, is far more than western products can bear. Nor is it at all probable that any economical improvements in constructing and operating railroads can ever reduce the cost of transportation on them to such figures as would justify a reliance on them, even if they could do the work. These roads have been liberal in their charges, and although their through rates are in many instances below the cost of operating them, still, they carry to the seaboard but a very small percentage of the freight seeking transportation.

For these reasons, we see the foreign exports of the United States annually diminishing, our coasting trade languishing, and our shipping interests decaying.

The great need of the West, and indeed of the whole country, is the opening of internal water-lines and the improvement of navigation upon our western rivers.

The attention of Congress has been officially called to several proposed lines for ship-canals from the West to the Atlantic.

One of these contemplates the connection of the Tennessee River at Guntersville with the Coosa River at Gadsden, in North Alabama, and a system of canals and slack-water navigation from the Coosa, at Rome, Georgia, to Savannah. The route has been surveyed by Major Walter McFarland, a distinguished engineer and officer of the United States, and by him pronounced practicable and easy at a cost that amply justifies the construction of the work.

We most earnestly hope that such aid and encouragement may be extended by the Government to this and similar works of great public necessity as will insure their completion at a very early day.

Then may we hope to see our foreign and domestic commerce, fostered by a liberal and generous public policy, attain those vast proportions which our natural advantages promise, our shipping interests restored, our immense mineral resources developed, and prosperity, plenty, and contentment bless every section of our country.

BENJ. E. CRANE,
President National Commercial Convention.

D. H. MACADAM,
Secretary of National Commercial Convention.

42D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 25.

STATUTES IN FORCE IN THE DISTRICT OF COLUMBIA.

LETTER

FROM THE

GOVERNOR OF THE DISTRICT OF COLUMBIA,

TRANSMITTING

Report of a commission to revise the statutes in force in the District of Columbia.

DECEMBER 19, 1872.—Referred to the Committee for the District of Columbia and ordered to be printed.

DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D. C., December 18, 1872.

SIR: I have the honor to transmit herewith the report of a commission, appointed by virtue of an act of the legislative assembly, to revise the statutes in force in this District.

Their report embodies a complete body of law, dealing in many cases with acts of Congress, and will require the assent and approval of Congress before it can be of force.

I have the honor to submit the same through you to Congress for its action.

Very respectfully, your obedient servant,

H. D. COOKE,
Governor District of Columbia.

The SPEAKER *of the House of Representatives,*
Congress of the United States.

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The undersigned respectfully report to the legislative assembly of the District of Columbia that the following draught of the revision of the statutes has been submitted to the justices of the supreme court of said District, and been approved.

GEO. P. FISHER,
HUGH CAPERTON,
SAMUEL L. PHILLIPS,
EDW. C. INGERSOLL,
R. D. MUSSEY,
Commissioners.

WASHINGTON, D. C., *June* 10, 1872.

DECLARATION OF INDEPENDENCE, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others

to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within,

He has endeavored to prevent the population of these States—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws—giving his assent to their acts of pretended legislation—

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they could commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offenses;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war; in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.	OLIVER WOLCOTT.
SAMUEL ADAMS.	SAMUEL CHASE.
JOHN ADAMS.	WILLIAM PACA.
ROBERT TREAT PAINE.	THOMAS STONE.
ELBRIDGE GERRY.	CHARLES CARROLL, *of Carrollton.*
JOSIAH BARTLETT.	WILLIAM FLOYD.
WILLIAM WHIPPLE.	PHILIP LIVINGSTON.
MATTHEW THORNTON.	FRANCIS LEWIS.
STEPHEN HOPKINS.	LEWIS MORRIS.
WILLIAM ELLERY.	GEORGE WYTHE.
CÆSAR RODNEY.	RICHARD HENRY LEE.
GEORGE READ.	THOMAS JEFFERSON.
THOMAS M'KEAN.	BENJAMIN HARRISON.
ROGER SHERMAN.	THOMAS NELSON, JR.
SAMUEL HUNTINGTON.	FRANCIS LIGHTFOOT LEE.
WILLIAM WILLIAMS.	CARTER BRAXTON.
RICHARD STOCKTON.	GEORGE CLYMER.
JOHN WITHERSPOON.	JAMES SMITHE.
FRANCIS HOPKINSON.	GEORGE TAYLOR.
JOHN HART.	JAMES WILSON.
ABRAHAM CLARK.	GEORGE ROSS.
WILLIAM HOOPER.	EDWARD RUTLEDGE.
JOSEPH HEWES.	THOMAS HEYWARD, JR.
JOHN PENN.	THOMAS LYNCH, JR.
ROBERT MORRIS.	ARTHUR MIDDLETON.
BENJAMIN RUSH.	BUTTON GWINNETT.
BENJAMIN FRANKLIN.	LYMAN HALL.
JOHN MORTON.	GEORGE WALTON.

ARTICLES OF CONFEDERATION.

IN CONGRESS, JULY 9, 1778.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.

The style of this Confederacy shall be, "THE UNITED STATES OF AMERICA."

ARTICLE II.

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV.

SECTION 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively: *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant: *Provided also*, That no impositions, duties, or restrictions, shall be laid by any State on the property of the United States, or either of them.

SEC. 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

SEC. 3. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V.

SECTION 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

SEC. 2. No State shall be represented in Congress by less than two nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

SEC. 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

SEC. 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

SEC. 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

SECTION 1. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state, nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

SEC. 2. No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

SEC. 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

SEC. 4. No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

SEC. 5. No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII.

When land forces are raised by any State for the common defense, all officers of or under the rank of colonel shall be appointed by the legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX.

SECTION 1. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving embassadors; entering into treaties and alliances: *Provided*, That no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures: *Provided*, That no member of Congress shall be appointed a judge of any of the said courts.

SEC. 2. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned: *Provided*, That every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" *Provided, also*, That no State shall be deprived of territory for the benefit of the United States.

SEC. 3. All controversies concerning the private right of soil claimed under different grants of two or more States whose jurisdiction, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

SEC. 4. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States: *Provided*, That the legislative right of any State, within its own limits, be not infringed or violated; estab-

lishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

SEC. 5. The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside: *Provided*, That no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

SEC. 6. The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the Army or Navy, unless nine States assent to the same; nor shall a question on any other point, except for adjournment from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

SEC. 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the

United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof, relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ARTICLE X.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with: *Provided*, That no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII.

All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual union:

Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determi-

nations of the United States in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire.—Josiah Bartlett, John Wentworth, Jun., (August 8, 1778.)

On the part and behalf of the State of Massachusetts Bay.—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

On the part and behalf of the State of Rhode Island and Providence Plantations.—William Ellery, Henry Marchant, John Collins.

On the part and behalf of the State of Connecticut.—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

On the part and in behalf of the State of New York.—James Duane, Francis Lewis, William Duer, Gouv. Morris.

On the part and behalf of the State of New Jersey.—John Witherspoon, Nath. Scudder, (November 26, 1778.)

On the part and behalf of the State of Pennsylvania.—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed, (July 22, 1778.)

On the part and behalf of the State of Delaware.—Thomas M'Kean, (February 12, 1779,) John Dickinson, (May 5, 1779,) Nicholas Van Dyke.

On the part and behalf of the State of Maryland.—John Hanson, (March 1, 1781,) Daniel Carroll, (March 1, 1781.)

On the part and behalf of the State of Virginia.—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

On the part and behalf of the State of North Carolina.—John Penn, (July 21, 1778,) Corns. Harnett, Jno. Williams.

On the part and behalf of the State of South Carolina.—Henry Laurens, William Henry Drayton, Jno. Mathews, Richard Hutson, Thos. Heyward, jun.

On the part and behalf of the State of Georgia.—Jno. Walton, (July 24, 1778,) Edwd. Telfair, Edward Langworthy.

CONSTITUTION OF THE UNITED STATES OF AMERICA, WITH THE AMENDMENTS THERETO.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of

the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he

was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules of limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature therof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the

period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive embassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between

citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting embassadors, public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or part of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a conven-

tion for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON.
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM.
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON.
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON.
DAVID BREARLEY.
WILLIAM PATERSON.
JONATHAN DAYTON.

PENNSYLVANIA.
B. FRANKLIN.
THOMAS MIFFLIN.
ROBERT MORRIS.
GEORGE CLYMER.
THOMAS FITZSIMONS.
JARED INGERSOLL.
JAMES WILSON.
GOUV. MORRIS.

DELAWARE.
GEO. READ.
GUNNING BEDFORD, JR.
JOHN DICKINSON.
RICHARD BASSETT.
JACOB BROOM.

MARYLAND.
JAMES McHENRY.
DAN. OF ST. THOMAS JENIFER.
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR.
JAMES MADISON, JR.

NORTH CAROLINA.
WILLIAM BLOUNT.
RICHARD DOBBS SPAIGHT.
HU. WILLIAMSON.

SOUTH CAROLINA.
J. RUTLEDGE.
CHARLES COATSWORTH PINCKNEY.
CHARLES PINCKNEY.
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW.
ABR. BALDWIN.

Attest:
WILLIAM JACKSON,
Secretary.

AMENDMENTS TO THE CONSTITUTION.

Articles in addition to, and amendment of, the Constitution of the United States, ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed

twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballots for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March then next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole

number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for that purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTIONAL PROVISION AND LAWS RESPECTING THE SEAT OF GOVERNMENT.

CONSTITUTIONAL PROVISION.

"The Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States."—*Extract from section* 8, *article* 1, *Constitution United States.*

LAWS.

AN ACT for establishing the temporary and permanent seat of government of the United States.

SECTION 1. That a district of territory not exceeding ten miles square, to be located as hereafter directed, on the river Potomac, at some place between the mouths of the Eastern Branch* and Conogocheague, be, and the same is hereby, accepted for the permanent seat of the Government of the United States: *Provided, nevertheless,* That the operation of the laws of the State within such district shall not be affected by this acceptance until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide.

SEC. 2. That the President of the United States be authorized to appoint, and, by supplying vacancies happening from refusals to act, or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of them, shall, under the direction of the President, survey, and by proper metes and bounds define and limit, a district of territory under the limitations above mentioned; and the district so defined, limited, and located, shall be deemed the district accepted by this act for the permanent seat of the Government of the United States.

SEC. 3. That the said commissioners, or any two of them, shall have power to purchase or accept any such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States; and, according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public officers of the Government of the United States.

SEC. 4. That for defraying the expense of such purchases and buildings the President of the United States be authorized and requested to accept grants of money.

SEC. 5. That prior to the first Monday in December next all offices attached to the seat of government of the United States shall be removed to, and until the said first Monday in December, in the year 1800, shall

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* See act of March 3, 1791.

remain at the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. That on the said first Monday in December, in the year 1800, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of government shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties imposed on imports and tonnage, of which a sufficient sum is hereby appropriated.

Approved, July 16, 1790.

AN ACT to amend "An act for establishing the temporary and permanent seat of the Government of the United States."

That so much of the act entitled "An act for establishing the temporary and permanent seat of the Government of the United States" as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac for the permanent seat of the Government of the United States, shall be located above the mouth of the Eastern Branch, be, and the same is, hereby repealed, and that it shall be lawful for the President to make any part of the said territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria; and the territory so included shall form a part of the district not exceeding ten miles square, for the permanent seat of the Government of the United States, in like manner and to all intents and purposes as if the same had been within the purview of the above-recited act: *Provided*, That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

Approved, March 3, 1791.

And the Congress of the United States, by their act passed on the 16th day of July, 1790, and entitled "An act for establishing the temporary and permanent seat of the Government of the United States," authorized the President of the United States to appoint three commissioners to survey, under his direction, and by proper metes and bounds to limit a district of territory, not exceeding ten miles square, on the river Potomac, at some place between the Eastern Branch and Conococheague, which district so to be located and limited was accepted by the said act of Congress as the district for the permanent seat of the Government of the United States:

Now, therefore, in pursuance of the powers to me confided, and after duly examining and weighing the advantages and disadvantages of the several situations within the limits aforesaid, I do hereby declare and make known, that the location of one part of the said district of ten miles square shall be found by running four lines of experiment in the following manner: that is to say, running from the court-house of Alexandria, in Virginia, due southwest half a mile, and thence a due southeast course till it shall strike Hunting Creek, to fix the beginning of the said four lines of experiment.

Then beginning the first of the said four lines of experiment at the point on Hunting Creek where the said southeast course shall have struck the same, and running the said first line due northwest ten miles; thence the second line into Maryland due northeast ten miles; thence the third line due southeast ten miles; and thence the fourth line due southwest ten miles, to the beginning on Hunting Creek.

And the said four lines of experiment being so run, I do hereby declare and make known, that all that part within the said four lines of experiment which shall be within the State of Maryland, and above the Eastern Branch, and all that part within the same four lines of experiment which shall be within the Commonwealth of Virginia, and above a line to be run from the point of land forming the upper cape of the mouth of the Eastern Branch due southwest, and no more, is now fixed upon and directed to be surveyed, defined, limited, and located for a part of the said district accepted by the said act of Congress for the permanent seat of the Government of the United States; hereby expressly reserving the direction of the survey and location of the remaining part of the said district, to be made hereafter, contiguous to such part or parts of the present location as is or shall be agreeably to law.

And I do accordingly direct the said commissioners appointed agreeably to the tenor of said act to proceed forthwith to run the said lines of experiment, and the same being run, to survey, and by proper metes and bounds to define and limit the part within the same which is hereinbefore directed for immediate location and acceptance; and thereof to make due report to me, under their hands and seals.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the 24th day of January, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

[SEAL.] GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

By the President of the United States.

A PROCLAMATION.

Whereas, by a proclamation bearing date the 24th day of January of this present year, and in pursuance of certain acts of the States of Maryland and Virginia, and of the Congress of the United States therein mentioned, certain lines of experiment were directed to be run in the neighborhood of Georgetown, in Maryland, for the purpose of locating a part of the territory, of ten miles square, for the permanent seat of Government of the United States, and a certain part was directed to be located within the said lines of experiment on both sides of the Potomac, and above the limit of the Eastern Branch, prescribed by the said act of Congress;

And Congress, by an amendatory act, passed on the 3d day of this present month of March, have given further authority to the President of the United States "to make any part of the said territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch and of the lands lying on the lower side thereof, and also the town of Alexandria:

Now, therefore, for the purpose of amending and completing the loca-

tion of the whole of the said territory, of ten miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known, that the whole of the said territory shall be located and included within the four lines following; that is to say:

Beginning at Jones's Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of forty-five degrees west of the north, and running in a direct line ten miles, for the first line; then beginning again at the same Jones's Point and running another direct line, at a right angle with the first, across the Potomac, ten miles, for the second line; thence from the termination of the said first and second lines, running two other direct lines of ten miles each, the one crossing the Eastern Branch aforesaid, and the other the Potomac, and meeting each other in a point.

And I do accordingly direct the commissioners named under the authority of the said first-mentioned act of Congress to proceed forthwith to have the said four lines run, and by proper metes and bounds defined and limited; and thereof to make due report, under their hands and seals; and the territory so to be located, defined, and limited shall be the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at Georgetown aforesaid, the 30th day of March, in the year of our Lord 1791, and of the Independence of the United States the fifteenth.

[SEAL.] GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

ACT OF CESSION FROM THE STATE OF VIRGINIA.

AN ACT for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States, in Congress assembled, for the permanent seat of the General Government. [Passed the 3d December, 1789.]

I. Whereas the equal and common benefits resulting from the administration of the General Government will be best diffused, and its operations become more prompt and certain, by establishing such a situation for the seat of the said Government as will be most central and convenient to the citizens of the United States at large; having regard as well to population, extent of territory, and a free navigation to the Atlantic Ocean, through the Chesapeake Bay, as to the most direct and ready communication with our fellow-citizens on the western frontier; and whereas it appears to this assembly that a situation combining all the considerations and advantages before recited may be had on the banks of the river Potomac, above tide-water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessaries and conveniences of life, where, in a location of ten miles square, if the wisdom of Congress shall so direct, the States of Pennsylvania, Maryland, and Virginia, may participate in such location:

II. *Be it therefore enacted by the general assembly,* That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the

eighth section of the first article of the Constitution of the Government of the United States.

III. *Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

IV. *And provided also*, That the jurisdiction of the laws of this commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress, having accepted the said cession, shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

AN ACT to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia.

Whereas no more territory ought to be held under the exclusive legislation given to Congress over the District which is the seat of the General Government than may be necessary and proper for the purposes of such a seat; and whereas experience hath shown that the portion of the District of Columbia ceded to the United States by the State of Virginia has not been, nor is ever likely to be, necessary for that purpose; and whereas the State of Virginia, by an act passed on the third day of February, eighteen hundred and forty-six, entitled "An act accepting by the State of Virginia the county of Alexandria, in the District of Columbia, when the same shall be re-ceded by the Congress of the United States," hath signified her willingness to take back the said territory ceded as aforesaid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the assent of the people of the county and town of Alexandria, to be ascertained as hereinafter prescribed, all of that portion of the District of Columbia, ceded to the United States by the State of Virginia, and all the rights and jurisdiction therewith ceded over the same, be, and the same are hereby, ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon.

SEC. 2. *And be it further enacted*, That nothing herein contained shall be construed to vest in the State of Virginia any right of property in the custom-house and post-office of the United States within the town of Alexandria, or in the soil of the territory hereby re-ceded, so as to affect the rights of individuals or corporations therein, otherwise than as the same shall or may be transferred by such individuals or corporations to the State of Virginia.

SEC. 3. *And be it further enacted*, That the jurisdiction and laws now existing in the said territory, ceded to the United States by the State of Virginia, as aforesaid, over the persons and property of individuals therein residing, shall not cease or determine until the State of Virginia shall hereafter provide, by law, for the extension of her jurisdiction and judicial system over the said territory hereby re-ceded.

SEC. 4. *And be it further enacted*, That this act shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it, in the mode hereinafter provided. Immediately after the close of the present session of Congress, the President of the

United States shall appoint five commissioners, (any three of whom may act,) citizens of the said town or county of Alexandria, and freeholders within the same, who shall be sworn, before some justice of the peace in and for the said town or county, to discharge the duties hereby imposed upon them faithfully, impartially, and to the best of their ability. These commissioners, or any of them, shall proceed, within ten days after they are notified of their appointment, to fix upon the time, place, and manner, of taking the vote within the town or county of Alexandria, and shall give notice of the same by advertisement in the newspapers of the said town. And on the day and at the place so appointed, every free white male citizen of the United States, who shall have resided in said county of Alexandria for six months preceding the time when he offers his vote, insane persons and paupers excepted, shall vote *viva voce* upon the question of accepting or rejecting the provisions of this act. The said commissioners shall preside when this vote is taken, and decide all questions arising in relation to the right of voting under this act. Within three days after this vote is taken as aforesaid, the said commissioners shall make out three statements of the result of this poll, upon oath, and under their seals. Of these, one shall be transmitted to the President of the United States, one to the governor of the Commonwealth of Virginia, and one shall be deposited in the clerk's office of the county court of Alexandria. If a majority of the votes so given shall be cast against accepting the provisions of this act, then it shall be void and of no effect; but if a majority of the said votes should be in favor of accepting the provisions of this act, then this act shall be in full force, and it shall be the duty of the President of the United States to inform the governor of Virginia that this act is in full force and effect, and to make proclamation of the fact.

SEC. 5. *And be it further enacted*, That, in such case, the right of property in the half square in Alexandria on which stands the court-house, bounded by Columbus, Queen, and Princess streets, and the half square on which stands the jail, bounded by Princess, St. Asaph, and Pitt streets, shall be conveyed to the governor of Virginia, and his successors, for the use of the county and corporation of Alexandria forever; and the Solicitor of the Treasury of the United States is hereby authorized and required, in the name and on the behalf of the United States, to make all the proper and necessary conveyances for that purpose.

SEC. 6. *And be it further enacted*, That Congress will in no event assume and pay the debt, or any part thereof, now due by the corporation of the city of Alexandria.

Approved, July 9, 1846.

LAWS OF MARYLAND.

PASSED DECEMBER 23, 1788.

AN ACT to cede to Congress a district of ten miles square in the State [Maryland] for the seat of the Government of the United States.

That the Representatives from this State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March next, be, and they are hereby, authorized and required, on behalf of this State, to cede to the Congress of the United States any district in this State, not exceeding ten miles square, which the Congress may fix upon and accept for the seat of government of the United States.

NOVEMBER, 1791.

AN ACT concerning the territory of Columbia and the city of Washington.

Whereas the President of the United States, by virtue of several acts of Congress and acts of the assemblies of Virginia and Maryland, by his proclamation, dated at Georgetown on the 30th day of March, 1791, did declare and make known that the whole of the territory of ten miles square for the permanent seat of government of the United States shall be located and included within the four lines following, that is to say: beginning at Jones's Point, being the upper point of Hunting Creek, in Virginia, at an angle in the outset of forty-five degrees west of the north, and running a direct line of ten miles for the first line; then beginning again at the same Jones's Point and running another direct line at a right angle with the first across the Patowmack, ten miles for the second line; then from the terminations of the said first and second lines, running two other direct lines ten miles each, the one crossing the Eastern Branch and the other Patowmack, and meeting each other in a point, which has since been called the territory of Columbia;

And whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned to have been laid out in a city, came into an agreement and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other part to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent seat of the Government of the United States under and upon the terms and conditions contained in each of the said deeds; and many of the proprietors of lots in Carrollsburgh and Hamburgh have also come into an agreement, subjecting their lots to be laid out anew, giving up one-half of the quanity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one-half of the quantity of their lots in the new location, or othewise compensated in land in a different situation within the city, by agreement between the commissioners and them, and in case of disagreement, that then a just and full compensation shall be made in money. Yet some of the proprietors of lots in Carrollsburgh and Hamburgh, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits hereinafter mentioned, but a very great proportion of the landholders having agreed on the same terms, the President of the United States directed a city to be laid out, comprehending all the lands, beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburgh; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburgh to the Eastern Branch ferry; then south to a stone eighty poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east and west line, to the Eastern Branch; then with the waters of the Eastern Branch, Patowmack river, and Rock Creek to the beginning, which hath since been called the city of Washington;

And whereas it appears to this general assembly highly just and expedient that all the lands within the said city should contribute in due

proportion, in the means which have already very greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory will greatly contribute to the improvement and population thereof, and that many temporary provisions will be necessary till Congress exercise the jurisdiction and government over the said territory;

And whereas in the cession of this State, heretofore made, of territory for the Government of the United States, the lines of such cession could not be particularly designated, and it being expedient and proper that the same should be recognized in the acts of this State:

2. That all that part of the said territory called Columbia, which lies within the limits of this State, shall be, and the same is hereby acknowledged to be, forever ceded and relinquished to the Congress and Government of the United States in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States: *Provided*, That nothing herein contained shall be so construed to vest in the United States any right of property in the soil so as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also*, That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress shall by law provide for the government thereof under their jurisdiction, in manner provided by the article of the Constitution before recited.

3. That all the lands belonging to minors, persons absent out of the State, married women, or persons *non compos mentis*, or lands the property of this State, within the limits of Carrollsburgh and Hamburgh, shall be and are hereby subjected to the terms and conditions hereinbefore recited as to the lots where the proprietors thereof have agreed concerning the same; and all the other lands belonging as aforesaid within the limits of the said city of Washington, shall be and are hereby subjected to the same terms and conditions as the said Notley Young, Daniel Carroll, of Duddington, and others have, by their said agreements and deeds, subjected their lands to, and where no conveyances have been made the legal estate and trust are hereby invested in the said Thomas Beall, son of George, and John Mackall Gantt, in the same manner as if each proprietor had been competent to make and had made a legal conveyance of his or her land, according to the form of those already mentioned, with proper acknowledgments of the execution thereof, and where necessary of release of dower; and in every case where the proprietor is an infant, a married woman, insane, absent out of the State, or shall not attend on three months' advertisement of notice in the Maryland Journal and Baltimore Advertiser, the Maryland Herald, and in the Georgetown and Alexandria papers, so that allotment cannot take place by agreement, the commissioners aforesaid, or any two of them, may allot and assign the portion or share of such proprietor, as near the old situation as may be in Carrollsburgh and Hamburgh, and to the full value of what the party might claim under the terms before recited; and as to the other lands within the said city, the commissioners aforesaid, or any two of them, shall make such allotment and assignments within the lands belonging to the same person, in alternate lots, determining by lot or ballot whether the party shall begin with the lowest number: *Provided*, That in the case of coverture and infancy, if

the husband, guardian, or next friend will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all persons to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, and incumbrances as their former estate and interest were subject to, and as if the same had been actually re-conveyed, pursuant to the said deed in trust.*

4. That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollsburgh or Hamburgh, who have not already, or who shall not within three months after the passage of this act, execute deeds in trust to the aforesaid Thomas Beall and John M. Gantt of all their lands within the limits of the said city of Washington, and on the terms and conditions mentioned in the deeds already executed by Notley, Young, and others, and execute deeds in trust to the said Thomas Beall and John M. Gantt of all their lots in the towns of Carrollsburgh and Hamburgh, on the same terms and conditions contained in the deeds already executed by the greater part of the proprietors of lots in the said towns, the said commissioners, or any two of them, shall and may, at any time or times thereafter, issue a process directed to the sheriff of Prince George's County, commanding him in the name of the State to summon five good, substantial freeholders, who are not of kin to any proprietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a certain day at a certain place within the limits of the said city, to inquire of the value of the estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff shall attend, with the freeholders by him summoned, which freeholders shall take the following oath or affirmation on the land to be by them valued, to wit: "I, A. B., do solemnly swear (or affirm) that I will, to the best of my judgment, value the lands of C. D., now to be valued, so as to do equal right and justice to the said C. D. and to the public, taking into consideration all circumstances," and shall then proceed to value the said lands; and such valuation, under their hands and seals, and under the hand and seal of the said sheriff, shall be annexed to the said process, and returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the same, and the said lands shall, on the payment of such valuation, be, and *is* hereby, vested in the said commissioners in trust, to be disposed of by them or otherwise employed to the use of the said city of Washington; and the sheriff aforesaid, and freeholders aforesaid, shall be allowed the same fees for their trouble as are allowed to a sheriff and jurymen in executing a writ of inquiry; and in all cases where the proprietor or possessor is tenant in right of dower, or by the courtesy, the freeholders aforesaid shall ascertain the annual value of the lands and the gross value of such estate therein, and upon paying such gross value, or securing to the possessor the payment of the annual valuation, at the option of the proprietor or possessor, the commissioners shall be, and are hereby, vested with the whole estate of such tenant, in manner and for the uses and purposes aforesaid.

5. That all the squares, lots, pieces, and parcels of land within the said city, which have been or shall be appropriated for the use of the

* See 1793, ch. 58, sec. 3.

United States, and also the streets, shall remain and be for the use of the United States; and all the lots and parcels which have been or shall be sold to raise money as a donation, as aforesaid, shall remain and be to the purchasers according to the terms and conditions of their respective purchase; and purchases and leases from private persons claiming to be proprietors, and having, or those under whom they claim having, been in possession of the lands purchased or leased, in their own right, five whole years next before the passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such purchases and leases respectively, without impeachment and against any contrary title now existing; but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within the limits of the said city, not having a right and title to do so, the person who might be entitled to recover the land under a contrary title now existing, may, either by way of ejectment against the tenant or in an action for money had and received for his use against the bargainer or lessor, his heirs, executors, administrators, or devisees, as the case may require, recover all money received by him for the squares, pieces, or parcels appropriated for the use of the United States, as well as for lots or parcels sold and rents received by the person not having title as aforesaid, with interest from the time of the receipt; and on such recovery in ejectment, where the land is in lease, the tenant shall thereafter hold under, and pay the rent reserved to the person making the title to and recovering the land; but the possession *bona fide* acquired, in none of the said cases, shall be changed.

6. That any foreigner may, by deed or will hereafter to be made, take and hold lands within that part of the said territory which lies within this State, in the same manner as if he was a citizen of this State, and the same lands may be conveyed by him, and transmitted to, and be inherited by, his heirs or relations, as if he and they were citizens of this State: *Provided*, That no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

7. That the said commissioners, or any two of them, may appoint a clerk for recording deeds of lands within the said territory, who shall provide a proper book for the purpose, and therein record, in a strong, legible hand, all deeds duly acknowledged of lands in the said territory, delivered to him to be recorded, and in the same book make due entries of all divisions and allotments of lands and lots made by the commissioners in pursuance of this act, and certificates* granted by them of sales, and the purchase-money having been paid, with a proper alphabet, in the same book of the deeds and entries aforesaid; and the same book shall carefully preserve, and deliver over to the commissioners aforesaid, or their successors, or such person or persons as Congress shall hereafter appoint; which clerk shall continue such during good behavior, and shall be removable only on conviction of misbehavior in a court of law; but before he acts as such he shall take an oath or affirmation well and truly to execute his office; and he shall be entitled to the same fees as are or may be allowed to the clerks of the country courts for searches, copying, and recording.†

[The above section has been superseded by law of Congress establishing courts, and afterward by establishing the office of register of deeds.]

8. That acknowledgments of deeds made before a person in the manner and certified as the laws of this State direct, or made before and

* See 1793, ch. 58.

† See 1793, ch. 58.

certified by either of the commissioners, shall be effectual; and that no deed hereafter to be made of or for lands within that part of the said territory which lies within this State shall operate as a legal conveyance, nor shall any lease for more than seven years be effectual unless the deed shall have been acknowledged as aforesaid, and delivered to the said clerk to be recorded within six calendar months from the date thereof.*

9. That the commissioners aforesaid, or some two of them, shall direct an entry to be made in the said record-book of every allotment and assignment to the respective proprietors in pursuance of this act.

10. And for the encouragement of master-builders to undertake the building and finishing houses within the said city, by securing to them a just and effectual remedy for their advances and earnings: *Be it enacted*, That for all sums due and owing, on written contracts, for the building any house in the said city, or the brick work, or carpenters or joiners' work thereon, the undertaker or workmen employed by the person for whose use the house shall be built shall have a lien on the house and the ground on which the same is erected, as well as for the materials found by him: *Provided*, The said written contract shall have been acknowledged before one of the commissioners, a justice of the peace, or an alderman of the corporation of Georgetown, and recorded in the office of the clerk for recording deeds herein created, within six calendar months from the time of acknowledgment as aforesaid; and if, within two years after the last work is done, he proceeds in equity, he shall have remedy as upon a mortgage, or if he proceeds at law within the same time, he may have execution against the house and land, in whose hands soever the same may be; but this remedy shall be considered as additional only, nor shall, as to the land, take place of any legal incumbrance made prior to the commencement of such claim.

[The foregoing section has been superseded by acts of Congress. See act of February 2, 1859, Statutes at Large, volume 2, page 376.]

11. That the treasurer of the western shore be empowered and required to pay the seventy-two thousand dollars agreed to be advanced to the President by resolutions of the last session of assembly, in sums as the same may come to his hands on the appointed funds, without waiting for the day appointed for the payment thereof.

12. That the commissioners aforesaid, for the time being, or any two of them, shall, from time to time, until Congress shall exercise the jurisdiction and government within the said territory, have power to license the building of wharves in the waters of Patowmack and the Eastern Branch, adjoining the said city, of the materials, in the manner, and of the extent they may judge durable, convenient, and agreeing with general order; but no license shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the said waters without license, as aforesaid; and if any wharf shall be built without such license, or different therefrom, the same is hereby declared a common nuisance. They may also, from time to time, make regulations for the discharge and laying of ballast from ships or vessels lying in Patowmack River above the lower line of the said territory and Georgetown, and from ships and vessels lying in the Eastern Branch. They may also, from time to time, make regulations for landing and laying materials for building the said city, for disposing and laying earth which may be dug out of the wells, cellars, and foundations, and for ascertaining the thickness of the walls of houses, and to enforce the observance of all

* By November, 1792, chapter 59, deeds so recorded shall be as valid as if also recorded in the manner prescribed by law before the passage of this act.

such regulations by appointing penalties for the breach of any one of them, not exceeding ten pounds current money, which may be recovered in the name of the said commissioners, by warrant, before a justice of the peace, as in case of small debts, and disposed of as a donation for the purposes of the said act of Congress; and the said commissioners, or any two of them, may grant licenses for retailing distilled spirits within the limits of the said city, and suspend or declare the same void; and if any person shall retail or sell any distilled spirits, mixed or unmixed, in less quantity than ten gallons, to the same person, or at the same time actually delivered, he or she shall forfeit for every such sale three pounds, to be recovered and applied as aforesaid.

[The foregoing section has ceased to be operative by lapse of time and by reason of the United States Government having taken charge of the District.]

13. That an act of assembly of this State* to condemn lands, if necessary, for the public buildings of the United States, be, and is hereby, repealed.

NOVEMBER, 1792.

A supplement to the act† entitled "An act concerning the territory of Columbia and the city of Washington."

Whereas doubts have arisen upon the act to which this is a supplement, whether it be essential to the validity of deeds and other conveyances of lands in that part of the territory of Columbia which lies within this State, that the same be recorded in the manner prescribed by the laws of this State before the passage of the said act; to remove which doubts,

Be it enacted, That all deeds and other conveyances of lands lying within the said territory, and recorded agreeably to the directions and provisions of the said act by the clerk appointed in the manner therein provided for the recording of deeds within the said territory, shall be as good, valid, and sufficient in law for the purposes of passing the estates therein mentioned, and for all other purposes, as if the same were also recorded in the manner prescribed by the laws of this State before the passage of the said act for the recording of deeds and other conveyances of land within this State.

NOVEMBER, 1793.

A further supplement to the act† concerning the territory of Columbia and the city of Washington.

1. That the certificates granted, or which may be granted, by the said commissioners, or any two of them, to purchasers of lots in the said city, with the acknowledgment of the payment of whole purchase-money, and interest, if any shall have arisen thereon, and recorded agreeably to the directions of the act concerning the territory of Columbia and city of Washington, shall be sufficient and effectual to vest the legal estate in the purchasers, their heirs and assigns, according to the import of such certificates, without any deed or formal conveyance.

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*1790, ch. 44. †1791, ch. 45.

2. That on sales of lots in the said city by the said commissioners, or any two of them, under terms or conditions of payment being made therefor at any day or days after such contract entered into, if any sum of the purchase-money or interest shall not be paid for the space of thirty days after the same ought to be paid, the commissioners, or any two of them, may sell the same lots at public vendue, in the city of Washington, at any time after sixty days' notice of such sale, in some of the public newspapers of Georgetown and Baltimore town, and retain in their hands sufficient of the money produced by such new sale to satisfy all principal and interest due on the first contract, together with the expenses of advertisements and sale, and the original purchaser, or his assigns, shall be entitled to receive from the said commissioners, at their treasury, on demand, the balance of the money which may have been actually received by them, or under their order, on the said second sale; and all lots so sold shall be freed and acquitted of all claim, legal and equitable, of the first purchaser, his heirs and assigns.

3. That the commissioners aforesaid, or any two of them, may appoint a certain day for the allotment and assignment of one-half of the quantity of each lot of ground in Carrollsburgh and Hamburgh, not before that time divided or assigned, pursuant to the said act concerning the territory of Columbia and the city of Washington; and on notice thereof in the Annapolis, some one of the Baltimore, the Easton, and Georgetown newspapers, for at least three weeks, the same commissioners may proceed to the allotment and assignment of ground within the said city, on the day appointed for that purpose, and therein proceed at convenient times till the whole be finished, as if the proprietors of such lots actually resided out of this State: *Provided*, That if the proprietor of any such lot shall object in person, or by writing, delivered to the commissioners, against their so proceeding as to his lot, before they shall have made an assignment of ground for the same, then they shall forbear as to such lot, and may proceed according to the before-mentioned act.

4. That the said commissioners may make a seal of office of the clerk for recording deeds within the District of Columbia, which shall be kept by him; and that the like fees shall be paid for, and the like credit be given to, certificates under that seal, as to the like acts under the seal of a county court, and the said clerk shall be entitled to demand and receive his fees when the services enjoined him by this act, and the act to which this is a further supplement, shall be performed.

ORGANIC ACT.

AN ACT to provide a government for the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia.

By which name it is hereby constituted a body corporate, for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation *not inconsistent with the Constitution and laws of the United States and the provisions of this act.*

THE EXECUTIVE POWER—HOW VESTED AND CARRIED INTO EFFECT.

THE GOVERNOR OF THE DISTRICT.

SECTION 2.

And be it further enacted, That the executive power and authority in and over said District of Columbia shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall hold his office for four years, and until his successor shall be appointed and qualified.

The governor shall be a citizen of and shall have residence within said District twelve months before his appointment, and have the qualifications of an elector.

He may grant pardons and respites for offenses against the laws of said District enacted by the legislative assembly thereof.

He shall commission all officers who shall be elected or appointed to office under the laws of the said District enacted as aforesaid, and shall take care that the laws be faithfully executed.

SECTION 3.

And be it further enacted, That every bill which shall have passed the council and house of delegates shall, before it becomes a law, be presented to the governor of the District of Columbia; if he approve, he shall sign it, but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it.

If, after such reconsideration; two-thirds of all the members appointed or elected to the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of all the members appointed or elected to that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and

nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by their adjournment prevent its return, in which case it shall not be a law.

THE SECRETARY OF THE DISTRICT.—HIS QUALIFICATIONS—POWERS—DUTIES—TENURE OF OFFICE.

SECTION 4.

And be it further enacted, That there shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of said District, who shall reside therein, and possess the qualifications of an elector, and shall hold his office for four years, and until his successor shall be appointed and qualified.

He shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and four copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress.

And in case of the death, removal, resignation, disability, or absence of the governor from the District, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor, during such vacancy, disability, or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

And in case the offices of governor and secretary shall both become vacant, the powers, duties, and emoluments of the office of governor shall devolve upon the presiding officer of the council, and in case that office shall also be vacant, upon the presiding officer of the house of delegates, until the office shall be filled by a new appointment.

THE LEGISLATIVE POWER—HOW VESTED—ITS OPERATION AND EFFECT.

THE ASSEMBLY, COUNCIL, AND HOUSE OF DELEGATES.

SECTION 5.

And be it further enacted, That legislative power and authority in said District shall be vested in a legislative assembly as hereinafter provided.

The assembly shall consist of a council and house of delegates.

The council shall consist of eleven members, of whom two shall be residents of the city of Georgetown, and two residents of the county outside of the cities of Washington and Georgetown, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall have the qualification of voters, as hereinafter prescribed, five of whom shall be first appointed for the term of one year, and six for

the period of two years, provided that all subsequent appointments shall be for the term of two years.

The house of delegates shall consist of twenty-two members, possessing the same qualifications as prescribed for the members of the council, whose term of service shall continue one year.

An apportionment shall be made, as nearly equal as practicable, into eleven districts, for the appointment of the council, and into twenty-two districts for the election of delegates, giving to each section of the District representation in the ratio of its population as nearly as may be. And the members of the council and of the house of delegates shall reside in and be inhabitants of the districts from which they are appointed or elected, respectively.

For the purposes of the first election to be held under this act, the governor and judges of the supreme court of the District of Columbia shall designate the districts for members of the house of delegates, appoint a board of registration and persons to superintend the election and the returns thereof, prescribe the time, places, and manner of conducting such election, and make all needful rules and regulations for carrying into effect the provisions of this act not otherwise herein provided for:

Provided, That the first election shall be held within sixty days from the passage of this act.

In the first, and all subsequent elections, the persons having the highest number of legal votes for the house of delegates, respectively, shall be declared by the governor duly elected members of said house.

In case two or more persons voted for shall have an equal number of votes for the same office, or if a vacancy shall occur in the house of delegates, the governor shall order a new election.

And the persons thus appointed and elected to the legislative assembly shall meet at such time and at such place within the District as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the formation of the districts for members of the council and house of delegates, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly:

Provided, That no session in any one year shall exceed the term of sixty days, except the first session, which may continue one hundred days.

SECTION 6.

And be it further enacted, That the legislative assembly shall have power to divide that portion of the district not included in the corporate limits of Washington or Georgetown into townships, not exceeding three, and create township officers, and prescribe the duties thereof; but all township officers shall be elected by the people of the townships respectively.

SECTION 7.

And be it further enacted, That all male citizens of the United States, above the age of twenty-one years, who shall have been actual residents of said District for three months prior to the passage of this act, except such as are *non compos mentis*, and persons convicted of infamous crimes, shall be entitled to vote at said election, in the election district or precinct in which he shall then reside, and shall have so resided for thirty days immediately preceding said election, and shall be eligible to any office within the said district, and for all subsequent elections

twelve months' prior residence shall be required to constitute a voter; but the legislative assembly shall have no right to abridge or limit the right of suffrage.

SECTION 8.

And be it further enacted, That no person who has been or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys who shall not have accounted for and paid over, upon final judgment, duly recovered according to law, all such moneys due from him, shall be eligible to the legislative assembly or to any office of profit or trust in said District.

SECTION 9.

And be it further enacted, That members of the legislative assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and will faithfully discharge the duties of the office upon which I am about to enter; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept, or receive, directly or indirectly, any money or other valuable thing for any vote or influence that I may give or withhold on any bill, resolution, or appropriation, or for any other official act."

Any member who shall have refused to take the oath herein prescribed shall forfeit his office, and every person who shall be convicted of having sworn falsely to or of violating his said oath shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in said District, and shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

SECTION 10.

And be it further enacted, That a majority of the legislative assembly appointed or elected to each house shall constitute a quorum.

The house of delegates shall be the judge of the election returns and qualification of its members.

Each house shall determine the rules of its proceedings, and shall choose its own officers.

The governor shall call the council to order at the opening of each new assembly;

And the secretary of the District shall call the house of delegates to order at the opening of each new legislative assembly, and shall preside over it until a temporary presiding officer shall have been chosen and shall have taken his seat.

No member shall be expelled by either house except by a vote of two-thirds of all the members appointed or elected to that house.

Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time.

Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which such house shall be sitting.

At the request of any member, the yeas and nays shall be taken upon any question and entered upon the journal.

SECTION 11.

And be it further enacted, That bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SECTION 12.

And be it further enacted, That every bill shall be read at large on three different days in each house.

No act shall embrace more than one subject, and that shall be expressed in its title;

But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed in the title;

And no act of the legislative assembly shall take effect until thirty days after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act,) the legislative assembly shall by a vote of two-thirds of all the members appointed or elected to each house otherwise direct.

SECTION 13.

And be it further enacted, That no money shall be drawn from the treasury of the District, except in pursuance of an appropriation made by law, and no bill making appropriations for the pay or salaries of the officers of the District government shall contain any provisions on any other subject.

SECTION 14.

And be it further enacted, That each legislative assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government of the District until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected or appointed to each house as herein provided, nor exceed the amount of revenue authorized by law to be raised in such time, and all appropriations, general or special, requiring money to be paid out of the District treasury, from funds belonging to the District, shall end with such fiscal quarter;

And no debt, by which the aggregate debt of the District shall exceed five per cent. of the assessed property of the District, shall be contracted, unless the law authorizing the same shall at the general election have been submitted to the people and have received a majority of the votes cast for members of the legislative assembly at such election.

The legislative assembly shall provide for the publication of said law in at least two newspapers in the District for three months, at least, before the vote of the people shall be taken on the same, and provision shall be made in the act for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of

revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt be paid:

Provided, That the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SECTION 15.

And be it further enacted, That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the District under any contract or agreement made, without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SECTION 16.

And be it further enacted, That the District shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to or in aid of any public or other corporation, association, or individual.

SECTION 17.

And be it further enacted, That the legislative assembly shall not pass special laws in any of the following cases, that is to say:

For granting divorces;

Regulating the practice in courts of justice;

Regulating the jurisdiction or duties of justices of the peace, police magistrates, or constables;

Providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors;

Remitting fines, penalties, or forfeitures;

The sale or mortgage of real estate belonging to minors or others under disability;

Changing the law of descent;

Increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed;

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatsoever.

The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

SECTION 18.

And be it further enacted, That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the *tenth section of the first article of the Constitution of the United States;*

But all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

SECTION 19.

And be it further enacted, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was appointed or elected, and for one year after the expiration of such term;

And no person holding any office of trust or profit under the Government of the United States shall be a member of the legislative assembly.

SECTION 20.

And be it further enacted, That the said legislative assembly shall not have power to pass any *ex post facto* law,

Nor law impairing the obligation of contracts,

Nor to tax the property of the United States,

Nor to tax the lands or other property of non-residents higher than the lands or other property of residents;

Nor shall lands or other property in said District be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on every hundred dollars of the cash value thereof;

But special taxes may be levied in particular sections, wards, or districts for their particular local improvements;

Nor shall said territorial government have power to borrow money or issue stock or bonds for any object whatever, unless specially authorized by an act of the legislative assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof;

But said debt in no case to exceed five per centum of the assessed value of the property of said District, unless authorized by a vote of the people, as hereinafter provided.

TAXES.

SECTION 21.

And be it further enacted, That the property of that portion of the District not included in the corporations of Washington or Georgetown shall not be taxed for the purposes either of improving the streets, alleys, public squares, or other public property of the said cities, or either of them, nor for any other expenditure of a local nature, for the exclusive benefit of said cities, or either of them, nor for the payment of any debt heretofore contracted, or that may hereafter be contracted by either of said cities while remaining under a municipal government not co-extensive with the District.

SECTION 22.

And be it further enacted, That the property within the corporate limits of Georgetown shall not be taxed for the payment of any debt heretofore or hereafter to be contracted by the corporation of Washington, nor shall the property within the corporate limits of Washington be taxed

for the payment of any debt heretofore or hereafter to be contracted by the corporation of Georgetown; and so long as said cities shall remain under distinct municipal governments, the property within the corporate limits of either of said cities shall not be taxed for the local benefit of the other; nor shall said cities, or either of them, be taxed for the exclusive benefit of the county outside of the limits thereof:

Provided, That the legislative assembly may make appropriations for the repair of roads, or for the construction or repair of bridges outside the limits of said cities.

FREE SCHOOLS.

SECTION 23.

And be it further enacted, That it shall be the duty of said legislative assembly to maintain a system of free schools for the education of the youth of said District, and all moneys raised by general taxation or arising from donations by Congress, or from other sources, except by bequest or devise, for school purposes, shall be appropriated for the equal benefit of all the youths of said District between certain ages, to be defined by law.

JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

SECTION 24.

And be it further enacted, That the said legislative assembly shall have power to provide for the appointment of as many justices of the peace and notaries public for said District as may be deemed necessary, to define their jurisdiction and prescribe their duties; but justices of the peace shall not have jurisdiction of any controversy in which the title of land may be in dispute, or in which the debt or sum claimed shall exceed one hundred dollars:

Provided, however, That all justices of the peace and notaries public now in commission shall continue in office till their present commissions expire, unless sooner removed pursuant to existing laws.

JUDICIAL COURTS.

SECTION 25.

And be it further enacted, That the judicial courts of said District shall remain as now organized until abolished or changed by act of Congress; but such legislative assembly shall have power to pass laws modifying the practice thereof, and conferring such additional jurisdiction as may be necessary to the due execution and enforcement of the laws of said District.

BOARD OF HEALTH.

SECTION 26.

And be it further enacted, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a board of health for said District, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances inju-

rious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

REGISTER OF WILLS—RECORDER OF DEEDS—DISTRICT ATTORNEY, AND MARSHAL.

SECTION 27.

And be it further enacted, That the offices and duties of register of wills, recorder of deeds, United States attorney, and United States marshal for said District, shall remain as under existing laws, till modified by act of Congress; but said legislative assembly shall have power to impose such additional duties upon said officers, respectively, as may be necessary to the due enforcement of the laws of said District.

CORPORATIONS.

SECTION 28.

And be it further enacted, That the said legislative assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities:

Provided, That the powers of corporations so created shall be limited to the District of Columbia.

PAUPERS.

SECTION 29.

And be it further enacted, That the legislative assembly shall define by law who shall be entitled to relief as paupers in said District, and shall provide by law for the support and maintenance of such paupers, and for that purpose shall raise the money necessary by taxation.

ELECTION OR APPOINTMENT OF MINISTERIAL OFFICERS.

SECTION 30.

And be it further enacted, That the legislative assembly shall have power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District, to prescribe their duties, their terms of office, and the rate and manner of their compensation.

OATH OF OFFICE.

SECTION 31.

And be it further enacted, That the governor, secretary, and other officers to be appointed pursuant to this act, shall, before they act as such, respectively take and subscribe an oath or affirmation before a

judge of the supreme court of the District of Columbia, or some justice of the peace in the limits of said District, duly authorized to administer oaths or affirmations by the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices;

Which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken;

And such certificates shall be received and recorded by the said secretary among the executive proceedings;

And all civil officers in said District, before they act as such, shall take and subscribe a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the District, who may be duly commissioned and qualified, or before the Chief Justice of the Supreme Court of the United States, which said oath or affirmation shall be certified and transmitted by the person administering the same to the secretary, to be by him recorded as aforesaid;

And afterward the like oath or affirmation shall be taken and subscribed, certified and recorded in such manner and form as may be prescribed by law.

SALARIES OF DISTRICT OFFICERS.

SECTION 32.

And be it further enacted, That the governor shall receive an annual salary of three thousand dollars; and the secretary shall receive an annual salary of two thousand dollars; and that the said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments.

The members of the legislative assembly shall be entitled to receive four dollars each per day during their actual attendance at the session thereof, and an additional allowance of four dollars per day shall be made to the presiding officer of each house for each day he shall so preside.

And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, and a sergeant-at-arms may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly:

Provided, That there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together.

And the governor and secretary of the District shall, in the disbursement of all moneys appropriated by Congress and intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by the said legislative assembly of funds appropriated by Congress for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

HOLDING OF THE FIRST SESSION OF THE ASSEMBLY.

SECTION 33.

And be it further enacted, That the legislative assembly of the District of Columbia shall hold its first session at such time and place in said District as the governor thereof shall appoint and direct.

DELEGATE IN CONGRESS.

SECTION 34.

And be it further enacted, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States and of the District of Colnmbia, and shall have the qualifications of a voter, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several Territories of the United States to the House of Representatives, and shall also be a member of the Committee for the District of Columbia; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected.

The first election shall be held at the time and places and be conducted in such manner as the elections for members of the House of Representatives are conducted; and at all subsequent elections the time and places and the manner of holding the elections shall be prescribed by law.

The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly; and the Constitution and all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said District of Columbia as elsewhere within the United States.

DISBURSING OFFICERS.

SECTION 35.

And be it further enacted, That all officers to be appointed by the President of the United States, by and with the advice and consent of the Senate, for the District of Columbia, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

VALUATION OF DISTRICT PROPERTY.

SECTION 36.

And be it further enacted, That there shall be a valuation taken in the District of Columbia of all real estate belonging to the United States in said District, except the public buildings, and the grounds which have been dedicated to the public use as parks and squares, at least once in five years, and return thereof shall be made by the governor to the President of the Senate and Speaker of the House of Representatives on the

first day of the session of Congress held after such valuation shall be taken, and the aggregate of the valuation of private property in said District, whenever made by the authority of the legislative assembly, shall be reported to Congress by the governor:

Provided, That all valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint, and under such regulations as he shall prescribe.

BOARD OF PUBLIC WORKS.

SECTION 37.

And be it further enacted, That there shall be in the District of Columbia a board of public works, to consist of the governor, who shall be president of said board; four persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, one of whom shall be a civil engineer, and the others citizens and residents of the District, having the qualifications of an elector therein; one of said board shall be a citizen and resident of Georgetown, and one of said board shall be a citizen and resident of the county outside of the cities of Washington and Georgetown.

They shall hold office for the term of four years, unless sooner removed by the President of the United States.

The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

They shall disburse upon their warrant all moneys appropriated by the United States, or the District of Columbia, or collected from property-holders, in pursuance of law, for the improvement of streets, avenues, alleys, and sewers, and roads and bridges, and shall assess, in such manner as shall be prescribed by law, upon the property adjoining and to be especially benefited by the improvements authorized by law and made by them, a reasonable proportion of the cost of the improvement, not exceeding one-third of such cost, which sum shall be collected as all other taxes are collected.

They shall make all necessary regulations respecting the construction of private buildings in the District of Columbia, subject to the supervision of the legislative assembly.

All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District.

And said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

All contracts made by said board in which any member of said board shall be personally interested shall be void, and no payment shall be made thereon by said district or any officers thereof.

On or before the first Monday in November of each year, they shall submit to each branch of the legislative assembly a report of their transactions during the preceding year, and also furnish duplicates of the same to the governor, to be by him laid before the President of the United States, for transmission to the two Houses of Congress; and shall be paid the sum of two thousand five hundred dollars each annually.

COMPENSATIONS, HOW PAID.

SECTION 38.

And be it further enacted, That the officers herein provided for, who shall be appointed by the President, by and with the advice and consent of the Senate, shall be paid by the United States by appropriations to be made by law, as hereinafter provided; and all other officers of said District provided for by this act shall be paid by the District: *Provided*, That no salary shall be paid to the governor as a member of the board of public works in addition to his salary as governor, nor shall any officer of the Army appointed upon the board of public works receive any increase of pay for such service.

ELECTION FRAUDS.

SECTION 39.

And be it further enacted, That if, at any election hereafter held in the District of Columbia, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious;

Or vote more than once at the same election for any candidate for the same office;

Or vote at the place where he may not be entitled to vote;

Or vote without having a lawful right to vote;

Or do any unlawful act to secure a right or opportunity to vote for himself or any other person;

Or by force, threats, menace, or intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of the District of Columbia from freely exercising the right of suffrage;

Or by any such means induce any voter to refuse to exercise such right;

Or compel or induce, by any such means, or otherwise, any officer of any election in said District to receive a vote from a person not legally qualified or entitled to vote;

Or interfere in any manner with any officer of said elections in the discharge of his duties;

Or by any unlawful means induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same;

Or knowingly or willfully receive the vote of any person not entitled to vote;

Or refuse to receive the vote of any person entitled to vote;

Or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime;

Or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution in any court of the United States of competent jurisdiction, and, on conviction thereof, *shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or both*, in the discretion of the court, and shall pay the costs of prosecution.

WASHINGTON AND GEORGETOWN CITY CHARTERS, AND THE LEVY COURT.

SECTION 40.

And be it further enacted, That the charters of the cities of Washington and Georgetown shall be repealed on and after the first day of June, A. D. eighteen hundred and seventy-one, and all offices of said corporations abolished at that date.

The levy court of the District of Columbia and all offices connected therewith shall be abolished on and after said first day of June, A. D. eighteen hundred and seventy-one; but all laws and ordinances of said cities, respectively, and of said levy court, not inconsistent with this act, shall remain in full force until modified or repealed by Congress or the legislative assembly of said District.

That portion of said District included within the present limits of the city of Washington shall continue to be known as the city of Washington, and that portion of said District included within the limits of the city of Georgetown shall continue to be known as the city of Georgetown.

And the legislative assembly shall have power to levy a special tax upon property, except the property of the Government of the United States, within the city of Washington, for the payment of the debts of said city; and upon property, except the property of the Government of the United States, within the limits of the city of Georgetown for the payment of the debts of said city; and upon property, except the property of the Government of the United States, within said District not included within the limits of either of said cities to pay any debts owing by that portion of said District:

Provided, That the charters of said cities severally, and the powers of said levy court, shall be continued for the following purposes, to wit:

For the collection of all sums of money due to said cities respectively, or to said levy court;

For the enforcement of all contracts made by said cities respectively, or by said levy court, and all taxes, heretofore assessed, remaining unpaid;

For the collection of all just claims against said cities, respectively, or against said levy court;

For the enforcement of all legal contracts against said cities, respectively, or against said levy court, until the affairs of said cities, respectively, and of said levy court, shall have been fully closed;

And no suit in favor of or against said corporations, or either of them, shall abate by reason of the passage of this act, but the same shall be prosecuted to final judgment as if this act had not been passed.

SECTION 41.

And be it further enacted, That there shall be no election holden for mayor or members of the common council of the city of Georgetown prior to the first day of June, eighteen hundred and seventy-one, but the present mayor and common council of said city shall hold their offices until said first day of June next.

No taxes for general purposes shall hereafter be assessed by the municipal authorities of the cities of Washington or Georgetown, or by said levy court.

And upon the repeal of the charters of the cities of Washington and

Georgetown, the District of Columbia be, and is hereby declared to be, the successor of said corporations, and all the property of said corporations, and of the county of Washington, shall become vested in the said District of Columbia, and all fines, penalties, costs, and forfeitures, which are now by law made payable to said cities, respectively, or said levy court, shall be paid to said District of Columbia, and the salaries of the judge and clerk of the police court, the compensation of the deputy clerk and bailiffs of said police court, and of the marshal of the District of Columbia shall be paid by said District:

Provided, That the moneys collected upon the judgments of said police court, or so much thereof as may be necessary, shall be applied to the payment of the salaries of the judge and other officers of said court, and to the payment of the necessary expenses thereof, and any surplus remaining after paying the salaries, compensation, and expenses aforesaid, shall be paid into treasury of the District at the end of every quarter.

Approved, February 21, 1871.

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PART I.

TITLE I.—OF TERRITORY

CHAPTER I.—OF THE TERRITORY OF THE DISTRICT OF COLUMBIA.

The District of Columbia comprehends so much of territory as is embraced within the following boundaries:

Beginning on the west side of the Potomac River, at Jones's Point, being the upper point of Hunting Creek, running thence north forty-five degrees east ten miles; thence north forty-five degrees west ten miles; thence south forty-five degrees west to the Potomac River, and across the same to the west side; thence down the same, on the west side, with the line of high water, to the beginning.—(The charter of Maryland, § 3; Maryland act of November, 1791, c. 45; President's proclamation, dated Georgetown, March 30, 1791, in Davis's Laws of the District of Columbia, 58; Virginia act of December 3, 1789, c. 32; act of Congress of 1846, c. 35, § 1, in 9 Stats., 35, 36; President's proclamation, January 4, 1791, in 11 Stats. at Large, 751, Appendix.)

SUBDIVISIONS.

1.—CITY OF WASHINGTON.

3. The city of Washington comprehends so much of the said District as is embraced within the following boundaries:

Beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburgh; thence along the middle of said road to a stone standing on the east side of the reedy branch of Goose Creek; thence southeastwardly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburgh to the Eastern Branch ferry; thence south to a stone eighty poles north of the east and west line drawn from the mouth of Goose Creek to the Eastern Branch; thence east parallel to the said east and west line to the Eastern Branch; thence with the waters of the Eastern Branch, the Potomac River, and Rock Creek, to the beginning.—(Maryland act of 1791, c. 45, 2 Kilty; Proprietor's deed of June 29, 1791; Davis's Laws of the District, p. 60.)

2.—CITY OF GEORGETOWN.

4. The city of Georgetown comprehends the following portions of said District: Sixty acres purchased from George Gordon and George Bell, by authority of the Maryland act of May, 1751, chapter 25; ——— acres added to said town by Charles Beatty and George Frazier Hawkins in the year 1769; sixty-one acres purchased from Thomas Beall, by authority of the Maryland act of November, 1783, chapter 27; twenty

acres and eighteen thirty-seconds of an acre added by authority of the Maryland act of November, 1784, chapter 45.

Its boundaries are as follows:

Beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near the bank of the river Potomac; thence by a straight line drawn northerly through the middle of said street to the middle of First street; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now inclosed as the property of the college; thence northerly by the eastern line of said inclosure as far as the same extends; thence in the same northerly direction to the middle of Fourth street; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street; thence northerly by a line parallel to Fayette street at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary-line of Beatty and Hawkins's addition to Georgetown; thence westwardly by said boundary-line as far as it extends; thence by the courses and distances of the several other boundary-lines of Beatty and Hawkins's addition aforesaid—that is to say, westwardly, northwardly, eastwardly, and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street; thence eastwardly by a line drawn through the middle of Road street as it now runs, and as far as it extends; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock Creek; thence by the middle of the same creek and the middle of the Potomac River to a point directly opposite to the middle of College street aforesaid; thence to the place of beginning.—(2 Stats., 537; March 3, 1809, c. 30, § 1.)

In addition to the limits prescribed by an act supplementary to an act entitled "An act to amend the charter of Georgetown," approved third of March, eighteen hundred and nine, the said limits between Seventh and Eighth streets shall be farther extended, so as to extend westwardly, from Fayette street, three hundred feet.—(4 Stats., 140; March 3, 1826, ch. 10.)

The limits of Georgetown are extended so as to include the part of a tract of land called "Pretty Prospect," recently purchased by the corporation of said town as a site for a poor-house; beginning, for the said piece of ground, at a stone marked number four, standing at the end of four hundred and seventy-six poles on the first line of a tract of land called the "Rock of Dunbarton;" said stone also standing on the western boundary-line of lot numbered two hundred and sixty of Beatty and Hawkins's addition to said town, and running thence north seventy-eight degrees east thirty-eight poles; south eighty degrees east three poles; south eighteen poles; south twelve degrees east nine poles; south eleven degrees west twelve poles; south seventy-two degrees west twenty-three poles to the said first line of the "Rock of Dunbarton;" thence with said line to the beginning.—(4 Stats., 517; May 25, 1832, c. 105, § 1.)

The jurisdiction of the corporation of Georgetown is extended so as to include the bridge lately constructed by the said corporation across the river Potomac at the Little Falls, and the site of said bridge and premises appertaining to said site.—(5 Stats., 497; July 27, 1842, c. 82, § 1.)

The present corporate limits of the town of Georgetown are so altered and amended as to exclude therefrom so much of the territory within said present limits as lies west of the west line of Fayette street, and

between the north line of Third street and a line drawn west and parallel therewith from a point on the said west line of Fayette street, at the end of sixty feet north of the north line of Sixth street, reserving, however, out of said territory, so to be excluded, the several lots of ground lying in Threlkeld's addition of Georgetown, and respectively being lots numbers one hundred and fifty-three, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and seventy-two, one hundred and seventy-four, one hundred and seventy-eight, and the south half of lot number one hundred and seventy-one.—(6 Stats., 937; February 27, 1845, c. 32.)

3.—TOWNSHIPS.

The legislative assembly shall have power to divide that portion of the District not included in the corporate limits of Washington or Georgetown into townships, not exceeding three.—(16 Stats., 419; February 21, 1871, c. 62, § 6.)

CHAPTER II.—OF CONSTRUCTION.

1. All acts of incorporation shall be deemed public acts.

CONSTRUCTION OF STATUTES.

2. In the construction of all statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the law or repugnant to the context of the same statute—that is to say:

First. Every word importing the singular number only, may extend and be applied to several persons or things, as well as to one person or thing; and every word importing the plural number only, may be applied to one person or thing, as well as to several persons and things; and a word importing the masculine gender only, may extend and be applied to females; and the word "person" may extend and be applied to bodies politic and corporate as well as to individuals.

Second. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

Third. Words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it be otherwise expressly declared in the law giving the authority.

Fourth. The words "insane person" shall be construed to include every person who is an idiot, lunatic, *non compos*, or deranged.

Fifth. The word "land" or "lands," and the words "real estate" or "real property," shall be construed to include lands, tenements, and hereditaments, and all rights thereto and interest therein, other than a chattel interest; and the words "personal estate" or "personal property" shall include chattels real, and such other estate as, upon the death of the owner intestate, would devolve upon his administrator.

Sixth. The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an

oath; and in like cases the word "swear" shall be construed to include the word "affirm," and the forms shall be varied accordingly.

Seventh. The words "written" and "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise; provided, however, that in all cases where the written signature of any person is required by law, it shall always be the proper handwriting of such person, or, in case he is unable to write, his proper mark.

Eighth. Unless otherwise expressed, the word "month" shall be construed to mean a calendar month, and the word "year," a calendar year; and the word "year" alone shall be equivalent to the expression "year of our Lord."

Ninth. The word "State," when applied to a part of the United States, shall be construed to extend to, and include, the District of Columbia, and the several Territories so called; and the words "United States" shall be construed to include the said District and Territories.

Tenth. The words "this District" shall be construed to be equivalent to "the District of Columbia."

Eleventh. The word "marshal" shall be construed to mean the United States marshal of the District of Columbia, or any other person authorized to perform his duties in any case.

Twelfth. The words "preceding" and "following," when used by way of reference to any section of these revised laws, shall be construed to mean the section next preceding or next following that in which such reference is made, unless when some other section is expressly designated in such reference.

Thirteenth. Where a statute requires a notice to be given, or any other act to be done, a certain time before any motion or proceeding, there must be that time, exclusive of the day for such motion or proceeding; but the day on which such notice is given, or such act is done, may be counted as part of the time.

Fourteenth. In cases where the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to include an impression of such official seal made upon the paper alone, as well as an impression made by means of a wafer, or of wax, affixed thereto. And in any case in which the seal of any natural person shall be required to a paper, it shall be sufficient for such person to affix to such paper a scroll by way of seal.

Fifteenth. The word "grantor" may be construed to include every person by whom a freehold estate or interest is conveyed; and the word "grantee" as meaning the person to whom it is conveyed.

Sixteenth. The word "inhabitant" may be construed to mean a resident in any place.

Seventeenth. The term "folio" shall be deemed and taken to be one hundred words.

Eighteenth. Every covenant shall have the same effect as if it were expressed to be by the covenantor for himself, his heirs, personal representatives, and assigns, and shall be deemed to be with the covenantee, his heirs, personal representatives, and assigns.

Nineteenth. The adoption of these revised laws shall not affect or impair any right vested or acquired and existing at the time of their adoption, nor shall it impair, discharge, or release any contract, obligation, duty, or liability of any kind whatsoever now existing. All suits and actions pending, and all prosecutions for crimes or misdemeanors, including all civil and criminal proceedings whatsoever, shall be prosecuted and

proceeded with to final determination and judgment entered therein as if these revised laws had not been adopted.

Twentieth. If any crime or misdemeanor or other violation of law has been committed before these revised laws are adopted, and no prosecution or other proceeding has been commenced against the offender before their adoption, then such offender may be proceeded against by indictment or otherwise, and punished, in the same manner as if the same had not been adopted.

Twenty-first. No rights, property, or privileges held under a charter or grant from this District or Congress shall be in any manner impaired or affected by the adoption of these revised laws.

Twenty-second. Wherever the word administrator is used in these revised laws, it shall include "executor," and so *vice versa*, unless such an application of the term would be unreasonable.

Twenty-third. The word decedent means either a testator or person dying intestate.

Twenty-fourth. Where a court is directed to be held, or any other proceedings directed by law to take place, on a particular day of the month, if that day be Sunday or an established public holiday, the court shall be held or the proceeding take place on the next day.

Twenty-fifth. The common law, and the principles of equity jurisprudence heretofore received in this District, shall govern and be the rule of decision, except in so far as these revised laws have modified the same. And in all cases where these revised laws have prescribed either a remedy or a method of procedure in courts, the laws heretofore in force shall not prevail in any manner to affect the same.

Twenty-sixth. When a law which may have repealed another shall itself be repealed, the previous law shall not be revived without express words to that effect.

Twenty-seventh. In all cases where notice is required by these revised laws, it must be in writing, except where otherwise provided.

Twenty-eighth. Except where it would be inconsistent with the manifest intention of the legislature, the word "will" shall extend to a testament, and to a codicil, and to an appointment by will, or by writing in the nature of a will in exercise of a power; and also to any other testamentary disposition.

TITLE II.—OF ELECTIONS.

CHAPTER I.—REGISTRATION OF VOTERS.

The governor of the District of Columbia is hereby authorized and empowered to appoint annually a board of registration, to consist of five persons, three of whom shall be residents of Washington, one of Georgetown, and one of the county of Washington, whose duty it shall be annually to prepare a list of voters in the District of Columbia.

A majority of said board shall constitute a quorum, and shall have power to appoint as many clerks as shall be necessary to enable the said board to perform their duties with efficiency; and the compensation of the members of said board shall be five dollars for every day they shall be actually employed in the discharge of their duties, and they shall be entitled to no other fees, perquisites, or compensation whatever; and the clerks appointed by said board shall be entitled to a compensation of four dollars for each day actually employed.

The said board of registration, for the purpose of preparing the list of voters, as aforesaid, shall hold sessions of said board in the several delegate districts, not less than one nor more than three days, and shall give at least five days' notice, in two or more newspapers of the city of Washington, of the several places and times of their meetings, as aforesaid.

The board of registration, in the preparation of the list of voters, shall be governed by the following rules:

First. It shall be the duty of the said board to have the lists of voters for all the several delegate districts aforesaid completed on or before the fourth day of November, of each year, and, as the same shall be completed during the progress of the work, to have printed copies thereof put up in not less than twenty-five public places in each of said districts, the last of which shall be printed and so put up not less than five days previous to the eleventh day of November, so that notice of the persons inscribed as voters or omitted from the lists, respectively, may be given as soon as practicable to the voters of the several districts, without delaying for the completion of all the lists.

Second. The said board shall convene at the City Hall, in the city of Washington, on the fourteenth day of November, at the hour of nine o'clock a. m., and hold a session of four days, sitting from nine o'clock a. m. till eight o'clock p. m., for the purpose of correcting the lists aforesaid, by striking off the names of persons they may ascertain not to be qualified, and for placing thereon the names of others who are qualified to vote, but which had been omitted in the first instance for any cause.

Third. Immediately upon the completion of their session for making corrections, as aforesaid, the board of registration shall make, or cause to be made out, in duplicate, a corrected list of the voters for each of the twenty-two delegate districts aforesaid, one of which they shall send to the governor of the District of Columbia, and the other to the superintendents of election in each of said districts: *Provided*, That said board shall be in session on the day of election, during the hours such

election is held, to certify in cases when an error has been made in transcribing names of persons entitled to vote.

Each member of said board of registration, and the clerks thereof, before entering upon the performance of their duties, shall be sworn or affirmed faithfully and correctly to perform the same, which oath or affirmation shall be filed in the office of the secretary of the District of Columbia.

No expense not directly authorized by the provisions of this chapter shall be incurred by the board of registration except on the written order of the governor.

The voting for any officers of the district, including members of the house of delegates, shall be by ballot, and every voter may deliver written or printed tickets, as he may prefer, folded so as to conceal the name or names of the person or persons voted for, and designating in a single ticket the several persons voted for, in connection with the respective offices for which the vote may be given.

It shall be the duty of each superintendent of elections who shall receive the ticket of an elector, to call out aloud the name of such elector, which shall be entered by the clerks on separate lists, and the name shall be repeated by each of them; and these lists shall, when the polls shall be closed, be certified to be correct by each of said clerks, and, so certified, they shall be placed with the tickets in the ballot-boxes of the several precincts.

All tickets for any office folded, as aforesaid, and personally delivered by the voter, and none other, shall be deposited in the ballot-boxes, and said boxes shall remain unopened until the polls are closed.

When the polls are closed, the said boxes shall be opened by the superintendents, who shall deliberately take out the tickets, and read the names thereon respectively; and the clerks shall each carefully enter, as read, each ticket as it is taken from the box, and keep account of the same on papers prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known.

The superintendents shall then forthwith proceed to make out a return of the election in each district or precinct aforesaid, certifying the number of votes found for each candidate for any office authorized to be voted for; which certificates or returns shall be directed to the governor of the District of Columbia, and be signed by the superintendents of election, or a majority of them, in the respective districts, and be delivered to the said governor in person within forty-eight hours after the same shall be made out, along with the ballot-boxes, carefully sealed up, in which shall have first been placed all the ballots, after the counting of the same, along with the tally-lists made and kept by the clerks.

And from the returns made to the governor as aforesaid, it shall be his duty to ascertain the persons elected to any office of the District of Columbia as aforesaid, and within five days after his receiving said returns in full, transmit a certificate of election to each of the persons so ascertained to be elected to any office of said District, as well as to issue a proclamation or public notice, setting out in detail the number of votes cast in each district or precinct for the several persons therein voted for, for any office of the said District. The ballot-boxes he shall retain in some secure place, sealed up as they come to him, to be called for if needed by any legal authority.

It shall be the duty of the governor of the said District to have the required number of ballot-boxes and forms for tally-lists, and all the stationery and other necessary papers and means for holding any election, prepared in time and furnished to the superintendents before the

opening of the polls on the morning of election, and to pay out of the fund belonging to the District of Columbia all expenses which may be required to carry on any general election.

Said superintendents shall not receive more than five dollars per day for each day of actual service, and no contingent expense of any kind in the discharge of their duties shall be incurred by said superintendents, or any one acting for them, unless under the written authority of the governor of the District.

The governor shall designate annually public and convenient places in each of the twenty-two delegate districts of said District at which elections shall be held therein. They shall be sufficiently numerous to afford each elector a reasonable opportunity to vote thereat.

The polls at each precinct shall be opened at eight o'clock a. m., and continue open until seven o'clock p. m. of the same day.

Not less than fifteen days' notice of the day and time and place of holding each general election of said District, and of the several election precincts or places of voting, shall be given in at least three newspapers of said District by the governor thereof, together with the officers to be voted for, and a copy of such notice shall be preserved among the records of the secretary of said District.

CHAPTER II.—ELECTION DISTRICTS.

For the purpose of electing members of the house of delegates of the District of Columbia, this district is divided into twenty-two election districts, from each of which shall be elected one member, who shall be a qualified elector and an actual resident in said election district.

The boundaries of the districts are as follows, to wit:

First district.—All that part of the county of Washington lying east of Lincoln avenue and Bunker Hill road, at Fort Bunker Hill.

Second district.—All that part of the county of Washington lying west of Lincoln avenue and Bunker Hill road.

Third district.—All that part of the city of Georgetown lying west of High street.

Fourth district.—All that part of the city of Georgetown lying east of High street.

Fifth district.—All that part of the city of Washington lying west of Twenty-first street.

Sixth district.—All that part of the city of Washington lying south of M street north, between Eighteenth and Twenty-first streets west, and south of K street north, between Fifteenth and Eighteenth streets west.

Seventh district.—All that part of the city of Washington lying within the following bounds: Commencing at K street north, and running up Fifteenth street west to N street north; thence east on N street north to Fourteenth street west; thence up Fourteenth street west to Boundary; thence along Boundary street to Twenty-first street west; thence down Twenty first street west to M street north; thence along M street north to Eighteenth street west, and down Eighteenth street west to K street north; thence along K street north to Fifteenth street west.

Eighth district.—All that part of the city of Washington lying within the following bounds: Commencing at N street north and running up

Fourteenth street west to Boundary; thence along Boundary to Sixth street west; thence down Sixth street west to Rhode Island avenue; thence along Rhode Island avenue to Seventh street west; thence down Seventh street west to O street north; thence along O street north to Eleventh street west; thence down Eleventh street west to N street north; and along N street north to Fourteenth street west.

Ninth district.—All that part of the city of Washington lying between G street north and N street north, and between Eleventh street west and Fifteenth street west.

Tenth district.—All that part of the city of Washington lying between G street north and the canal, and between Eleventh and Fifteenth streets west.

Eleventh district.—All that part of the city of Washington lying south of the canal and west of Eighth street west.

Twelfth district.—All that part of the city of Washington lying between G street north and the canal, and between Sixth street west and Eleventh street west.

Thirteenth district.—All that part of the city of Washington lying within the following bounds: Commencing at G street north and running along Seventh street west to O street north; thence along O street to Eleventh street west; thence down Eleventh street to G street north, and along G street to Seventh street west.

Fourteenth district.—All that part of the city of Washington lying within the following bounds: Commencing at K street north, and running up North Capitol street to Boundary; thence along Boundary street to Sixth street west; thence along Sixth street west to Rhode Island avenue; thence along Rhode Island to Seventh street west; thence down Seventh street west to L street north; thence along L street north to New Jersey avenue; thence down New Jersey avenue to K street north; and along K street to North Capitol street.

Fifteenth district.—All that part of the city of Washington lying within the following bounds: Commencing at D street north, and running up North Capitol street to Massachusetts avenue; thence along Massachusetts avenue to First street west; thence up First street west to K street north; thence along K street to New Jersey avenue; thence up New Jersey avenue to L street north; thence along L street north to Seventh street west; thence down Seventh street west to G street north; thence along G north to Sixth street west; thence along Sixth street west to D street north; and along D street north to North Capitol street.

Sixteenth district.—All that part of the city of Washington lying within the following bounds: Commencing at D street, and running down Sixth street west to the canal; thence along the line of the canal to Four and-a-half street; thence down Four-and-a-half street to Maryland avenue; thence along Maryland avenue eastwardly to the canal; thence along the line of the canal to South Capitol street; thence up South and North Capitol streets to D street north; and along D street north to Sixth street west.

Seventeenth district.—All that part of the city of Washington lying within the following bounds: Commencing at Eighth street west, and running along G street south to the canal; thence along the line of the canal northwardly and northwestwardly to its junction with Maryland avenue; thence along Maryland avenue to Four-and-a-half street; thence up Four-and-a-half street to the canal, and along the line of the canal to Eighth street west; thence down Eighth street west to G street south.

Eighteenth district.—All that part of the city of Washington lying

south of G street south, between South Capitol street and Eighth street west.

Nineteenth district.—All that part of the city of Washington lying within the following bounds: Commencing at Fifteenth street east and running north to Boundary street; thence along Boundary street to North Capitol street; thence down North Capitol street to K street north; thence along K street to First street west; thence down First street to Massachusetts avenue, and down Massachusetts avenue to North Capitol street; thence down North Capitol street to E, and along E to Fifteenth street east.

Twentieth district.—All that part of the city of Washington lying south of E street north, between North and South Capitol streets and Fourth street east.

Twenty-first district.—All that part of the city of Washington lying within the following bounds: Commencing at South Carolina avenue and running up Fourth street east to E street north; thence along E street north to Fifteenth street east; thence down Fifteenth street east to C street north; thence along C street north to the Eastern Branch; thence along the line of the Eastern Branch to B street south; thence along B street south to Fifteenth street east; thence down Fifteenth street east to D street south; thence along D street south to South Carolina avenue, and down South Carolina avenue to Fourth street east.

Twenty-second district.—All that part of the city of Washington lying within the following bounds: Commencing at the Eastern Branch at the foot of Fourth street east, and running up Fourth street east to South Carolina avenue; thence along South Carolina avenue to D street south; thence along D street south to Fifteenth street east; thence up Fifteenth street east to B street south; thence out B street south to the Eastern Branch, and along the Eastern Branch to the foot of Fourth street east.

The boundary-lines of the districts enumerated in this chapter shall be the center of the streets, avenues, roads, or reservations designated as such boundaries.

CHAPTER III.—ELECTIONS.

1. The time for holding the annual elections in the District of Columbia shall be on the second Tuesday in October of each year, between the hours of eight a. m. and seven p. m.

2. The governor of the District of Columbia, ten days prior to each general election, shall appoint three superintendents of each election precinct or place of voting in said District.

3. If any of the persons appointed superintendents as aforesaid shall decline to act as such, or fail to appear at the time and place of holding any election, the governor, on ascertaining the fact, shall appoint a proper person or persons to fill the vacancies aforesaid; and whenever any person appointed as aforesaid shall fail to appear at the precinct for which he may be appointed, it shall be the duty of the superintendents present thereat to immediately notify the governor thereof.

4. Each of the superintendents, before entering upon the performance of their duties, shall take the oath or affirmation prescribed by the thirty-first section of the act of Congress entitled "An act to provide a government for the District of Columbia," approved February twenty-first, eighteen hundred and seventy-one, which oath or affirmation shall

be taken before one of the persons or officers named in said section of said act.

5. The said oaths or affirmations shall be subscribed in duplicate by the person taking the same, one of which shall be filed in the office of the secretary of the District, and the other be kept by the superintendent subscribing the same, and be deposited in the ballot-box of the election precinct with the other papers thereof.

6. It shall be the duty of the superintendents of each election precinct, or a majority thereof, within five days prior to each election, to appoint two clerks, who shall be severally sworn or affirmed to the faithful performance of their duties, in the same manner as that prescribed for the superintendents of election, and the oaths or affirmations taken by said clerks shall be disposed of in the same manner as the oaths or affirmations of the superintendents of election.

TITLE III.—OF OFFICERS AND OFFICIAL BONDS.

CHAPTER I.—OF THE DISABILITIES TO HOLD OFFICE.

1. No person shall be chosen or appointed to any civil office within this District, under the laws thereof, unless he shall have been a resident thereof, and shall have exercised the right of suffrage therein.

2. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys who shall not have accounted for and paid over, upon final judgment, duly recovered according to law, all such moneys due from him, shall be eligible to the legislative assembly, or to any office of profit or trust in said District.

3. If any civil officer shall receive, directly or indirectly, at any time during the period for which he was appointed, the profits, or any part of the profits, of any office held by any other person, his appointment and commission shall be void, and the person so offending shall be disqualified forever afterward from holding any office of trust or profit in this District under the laws thereof.

4. If any person shall give any bribe or reward, or any promise or any security for the payment or delivery of any money or any other thing, to be appointed to any office of profit, both the person giving and the person receiving the same, upon conviction thereof, shall be forever disqualified from holding any office of profit or trust under the laws of this District.

CHAPTER II.—OF VACANCIES IN OFFICE.

1. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

1. The death of the incumbent;
2. His resignation;
3. His removal;
4. His ceasing to be a citizen of this District;
5. His conviction of any infamous crime, or of any offense involving a violation of his official oath;
6. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law;
7. The decision of a competent tribunal declaring void his appointment or election.

2. If any person holding office shall charge and collect larger fees, for services rendered in his office, than are authorized by law, his office shall become vacant.

3. The supreme court of this District shall have jurisdiction of all cases of malfeasance or misfeasance arising under this chapter, to be tried upon information filed or indictment found against the officer.

CHAPTER III—OF OATHS AND OFFICIAL BONDS.

SECTION 1. Every person chosen or appointed to any office of trust or profit under the laws of this District shall, before entering upon the duties of such office, take and subscribe an oath or affirmation before some person lawfully authorized to administer the same, that he will support the Constitution of the United States, and that he will faithfully discharge the duties of his office.

SEC. 2. When a person elected or appointed to any office takes the oath or affirmation required of him, a certificate of the person administering the same, stating the fact that such an oath had been taken, shall be obtained by the person taking the same, and be by him delivered, for record among the executive proceedings, to the secretary of the District, unless otherwise specially provided for.

SEC. 4. Whenever an officer is authorized or required to appoint a deputy, such deputy, before he shall proceed to act as such, shall take and subscribe the same oath or affirmation and deliver for record the certificate thereof, in the same office where his principal is required to deposit his oath or affirmation.

OFFICIAL BONDS.

SEC. 5. Every officer of whom an official bond is required by law shall file such bond in the same office in which he is required to deliver for record the certificate of his official oath as aforesaid.

SEC. 6. The approval of every official bond shall be indorsed thereon, and signed by the court or officer approving the same.

SEC. 7. No officer, with whom an official bond is required to be filed, shall file and take charge of such bond until approved as prescribed by law.

SEC. 8. It shall be the duty of every officer of whom an official oath or bond is required, to file his oath or bond in the manner prescribed by law, within ten days after the commencement of his term of office and receipt of his commission or certificate.

SEC. 9. If any person appointed to any office shall perform any of the duties thereof without having filed in the proper office the oath and bond required of him by law, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding five hundred dollars, and his office be declared vacant.

SEC. 10. It shall be the duty of every officer with whom an official bond shall be filed carefully to record, keep, and preserve the same, and give certified copies thereof, sealed with the seal of his office, to any person demanding the same, upon being paid the same fees as are allowed by law for certified copies of papers in other cases.

SEC. 11. All official bonds, required by law of officers, shall be in form joint and several, and made payable to the United States, in such penalty and with such conditions as shall be required by law.

SEC. 12. Every official bond, executed by any officer pursuant to law, shall be deemed and taken to be in force, and obligatory upon the principal and sureties therein, for any and all breaches of the condition or conditions thereof, committed during the time such officer shall continue to discharge any of the duties, or hold such office.

SEC. 13. Every official bond, executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the United States, and to and for the use and benefit of all persons who may be injured by the wrongful act or default of such officer in his official capacity.

SEC. 14. No official bond shall be void on a first recovery, but suits may be instituted thereon, from time to time, until the penalty thereof is exhausted.

SEC. 15. No official bond shall be void because of defects in form, or in the approval or filing thereof; but upon the suggestion of such defects, such bond shall be obligatory as if properly executed, filed, and approved.

SEC. 16. A copy of any official bond, certified to be correct by the officer having the custody thereof, shall be received as evidence, in like manner as the original.

SEC. 17. Whenever the sureties in an official bond, or any one of them, shall remove from this District, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon, or otherwise, it shall be the duty of the Supreme Court, in general or special term, of their own motion, or on the showing of any person supported by affidavit, to summon any such officer to appear before said court, at a time stated, and show cause why he should not execute an additional official bond, with good and sufficient sureties.

SEC. 18. Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in his absence. If the said court shall be of opinion, after examination, that the bond of such officer has become insufficient from any of the causes enumerated in the preceding section, said court shall require a further bond, with such security as may be deemed necessary, to be executed and filed within such time as may be ordered.

SEC. 19. Such additional bond shall be in such penalty as shall be directed by said court, and shall be approved and filed as is provided in the case of the original bond. Every such additional bond, filed and approved as aforesaid, shall be of like force and obligation upon the principal and sureties therein from the time of its execution, and shall subject the officer and his sureties to the same liabilities, suits, and actions as are prescribed respecting the original bonds of officers.

SEC. 20. In no case provided in the preceding sections of this chapter shall the original be discharged or affected when additional bond has been given, as herein required, but the same shall remain of like force and obligation as if such additional bond had not been given.

SEC. 21. Whenever the sureties in either bond shall have been compelled to pay any sum of money on account of the principal obligor therein, they shall be entitled to recover of the sureties in the remaining bond a distributive part of the sum thus paid, not exceeding the penalty of the bond by which such sureties are bound.

SEC. 22. Whenever any sureties for an officer wish to be discharged from their liability, they and such officer may procure the same to be done, if such officer will file a new bond, with sufficient sureties, in like form and penalty and with like conditions as the original bond of said officer, to be approved and filed as such original bond. Upon the approval and filing of such new bond, such first sureties shall be exonerated from further liability, but their bond shall remain in full force as to all liabilities incurred previous to the approval and filing of such new bond. The liability of the sureties in such new bond shall in all respects be the same, and may be enforced in like manner as the liability of the sureties in the original bond.

SEC. 23. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer.

SEC. 24. When any surety in an official bond, or the heirs, executors,

or administrators of such surety, shall petition the circuit court to be discharged from such bond, the said court shall cause the officer to be served with an attested copy of such petition, and shall require him to give a new bond, at such time as may be ordered, in the same manner as if none had been given by him.

SEC. 25. Upon such new bond being given, approved and filed according to law, the sureties in the former bond and their estates shall be discharged from all liability for any breach of duty committed by such officer after that time.

SEC. 26. If any such officer, being so required, shall fail to give such new or additional bond within the time required by said supreme court, he shall be deemed to have been guilty of a breach of official duty, and his office shall be declared vacant.

SEC. 27. The provisions of this chapter, from the seventeenth section to the twenty-sixth section, both inclusive, shall apply to the bonds of executors, administrators, and guardians; and the justice holding the special term for probate business, as to such bonds, shall have and exercise the jurisdiction and authority conferred upon the supreme court therein.

TITLE IV.—OF THE ASSESSMENT AND COLLECTION OF TAXES.

CHAPTER I.—PROPERTY SUBJECT TO TAXATION.

SECTION 1. All real, mixed, and personal property in this District, or which may be owned or held by any inhabitant thereof, either in his own right, or as the agent, attorney, trustee, guardian, or administrator or executor of any and all other persons or estates, is taxable property, and liable to assessment and valuation.

PROPERTY EXEMPT FROM TAXATION.

SEC. 2. The following property shall be exempt from taxation:

1st. The property of the United States.

2d. The property of the District of Columbia.

3d. Houses of public worship, churches, and public school-houses, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith, and any burial-grounds owned by churches where the proceeds are used for church purposes, hospitals, orphan and other asylums for the aid of the poor and destitute.

4th. The household furniture of any person, beds, bedding, stoves, and cooking-utensils, not exceeding three hundred dollars in value.

5th. Any mechanic's tools and implements of trade or business of the value of two hundred dollars.

6th. Stock for carrying on business, to the value of three hundred dollars.

7th. The library and implements of a professional man or artist, of the value of three hundred dollars.

8th. A horse, mule, or yoke of oxen, a cart, wagon, or dray, and harness for such team, and used in the regular business of the owner or owners for such team.

9th. Farming utensils and tools, of the value of three hundred dollars, one cow, one swine, six sheep.

10th. Family pictures and family libraries, of the value of four hundred dollars.

11th. Goods, wares, and merchandise, or other articles of foreign or domestic growth, production, or manufacture, in the hands of licensed wholesale and retail dealers.

12th. Articles manufactured in this District in the hands of the manufacturer, or his agent or agents.

13th. Stocks in any banking, insurance, or other incorporated or unincorporated company, located or established beyond the limits of this District, upon which tax is laid and collected, or which, by law, is exempted from taxation by the State or power within whose jurisdiction such banking, insurance, or other incorporated or unincorporated company may be located or established; stocks or public securities of the United States, and of the District of Columbia, and of any State, city, or town, upon which a tax is laid and collected by the Government or

jurisdiction by which, or within which, such stocks and public securities may have been issued.

14th. Hackney-carriages, carts, drays, and wagons running under license by this District; the horses used for the same.

15th. Promissory notes, drafts, bills of exchange, and other evidences of debt in the ordinary business or occupation of the people, and not held for profit, or as investments.

16th. The personal or mixed property of persons, residing in this District, in the official discharge of legislative or judicial duties under the National Government.

MANNER OF ASSESSMENT.

SEC. 3. The assessment of all property shall be made in the name of the owners thereof, or in the names of the trustees or guardians thereof.

SEC. 4. Real estate in Washington or Georgetown shall be assessed according to the number of the squares and lots thereof, and the number of square or superficial feet in each square or lot, or parts of a lot.

SEC. 5. The improvements on each square or lot shall be assessed and valued separately from the squares or lots on which they may be erected, and the character thereof shall be mentioned as nearly as possible.

SEC. 6. Separate lists of the assessed and valued property shall be made, one of real property, and one of personal and mixed property.

SEC. 7. The undivided real estate of a deceased person may be assessed to his heirs or devisees, without designating any of them by name, until they have given notice to the superintendent of assessment and taxes of the division of the estate, and the names of the several heirs or devisees.

SEC. 8. The real estate of a person deceased, the right or title to which is doubtful or unascertained by reason of litigation concerning the will of the deceased, or the validity thereof, may be assessed in general terms to the estate of the deceased; and said tax shall constitute a lien upon the land so assessed, and may be enforced by the sale of the same, or a part thereof, as provided for enforcing other liens for taxes on real estate.

SEC. 9. To secure a true and correct return of all mixed and personal property taxable under the provisions of this chapter, every person, corporation, association, company, or firm shall, under oath or affirmation, within fifteen days after being required to do so by the superintendent of assessments and taxes, or either of the assessors, furnish to him or them a full, particular, and correct list of all and every species of such property made taxable by this chapter, which may be owned, held, controlled, or managed in any manner by such person, corporation, association, company, or firm, either for himself or herself, or as part owner, trustee, guardian, or agent, administrator, or executor, designating the manner in which the same is held.

SEC. 10. The said returns shall be made by each person by filling up the blanks which shall be prepared by the superintendent of assessments and taxes, and left by the assessors at the residence of each inhabitant of the District. These returns shall contain an enumeration or schedule of each class of mixed and personal property taxable under this act, together with an oath or affirmation in the following form:

DISTRICT OF COLUMBIA, *ss*:

——— ———, having been sworn or affirmed according to law, deposes and says that the foregoing statement contains a full, particular, and correct list of every

species of property, mixed and personal, specified in the foregoing statement, owned, held, controlled, or in any manner managed by me in the District of Columbia, for myself, or as trustee, guardian, or agent of any person or persons, and that I have not omitted from said list any property or thing mentioned therein, owned, controlled, or managed by me in any manner whatever.

Subscribed and sworn, or affirmed, this ——— day of ———, one thousand eight hundred and seventy-one, before me.

[Signature.]

Which oath or affirmation shall be filled up, and taken and subscribed before the superintendent of assessments and taxes, or an assessor of the District, or some other person duly qualified to administer oaths or affirmations in said District, and thereafter the said return so verified shall be delivered to the assessor of the district in which the person making the return may reside.

SEC. 11. If any person, corporation, association, or firm, at whose residence or place of business the assessor shall have left a blank return, shall neglect or refuse to return the same as required herein, or shall make a false, partial, or incorrect list of the property which should be included therein, or shall hinder or obstruct the superintendent of assessments and taxes, or any assessor, in the performance of his duty, such person, corporation, association, company, or firm shall, for every such offense, forfeit and pay to this District a fine of not less than five dollars nor more than one hundred dollars, to be recovered in the name of the District of Columbia in the police court of said District, according to the practice of said court in District cases.

SEC. 12. In case any person, at whose residence a blank return shall have been left, shall neglect or refuse to fill up the same and return it to the assessor, as required herein, such assessor shall, within five days after the period designated for a return, call at the residence of the person where the form of return may have been left, and ascertain whether the person for whom it was left was at the time or thereafter in said District, and at his residence, and if so, he shall, on his own knowledge, or on the best information he may obtain, assess with such property, mixed and personal, as he may deem just, and such assessment shall in all respects be regarded as correct, and in every case of refusal to make the return required, the assessor shall report the same under oath to the superintendent of assessments and taxes, who shall transmit the same to the attorney of the District of Columbia; thereupon the party against whom the complaint shall be made shall be proceeded against in the police court, as provided for in this chapter.

BOARD OF APPEALS.

SEC. 13. The board of appeals shall consist of five persons, including the superintendent of assessments and taxes, who shall be president thereof. Two of said board shall be residents of the city of Washington, and one a resident of the city of Georgetown, and one a resident of the county of Washington.

SEC. 14. The board shall hold its meetings on the second Monday of March in each year, and shall continue in session thirty consecutive days, to hear and determine any and all appeals that may be made from the valuations of the assessors of taxes, and for the purpose of correcting any errors which may be brought to their attention by persons against whom assessments shall have been made.

SEC. 15. They shall give public notice, in not less than three newspapers, of the times and places of their sessions.

SEC. 16. All complaints or appeals which may be made to said board of appeals shall be made in writing and under oath or affirmation.

SEC. 17. The board may make such changes in the returns of said assessors as to a majority of its members may seem just and proper; and its action shall be complete and final.

SEC. 18. Each member of the board shall receive a per diem of five dollars for each and every day the board may be in session. But the superintendent of assessments and taxes shall receive no further compensation than the salary fixed by law.

ASSESSORS OF TAXES.

The assessors of taxes shall annually assess, (under the direction of the superintendent of assessments and taxes,) within their respective districts, all real or personal property now or hereafter made taxable, which duty they shall complete on or before the first day of March in each year, and within ten days thereafter transmit their list, alphabetically arranged, to the superintendent of assessments and taxes.

Each assessor shall have an office in the district for which he may be appointed, which shall be kept open daily, Sundays excepted, from eight a. m. to twelve m., and from five to seven p. m., for the purpose of receiving returns of mixed and personal property as required by this chapter. Within five days after the reception of the returns made to them, and the assessments made to them, each assessor shall classify the assessment and valuation made to him, and add together the valuation of all property in his district, and return the same to the superintendent of assessments and taxes, with the original returns received by him.

SUPERINTENDENT OF ASSESSMENTS AND TAXES.

It shall be the duty of the superintendent of assessments and taxes to have charge of all assessments in the District of Columbia, and to receive and collect all returns of the same made to him by the assessors of the several districts. Upon the completion of each assessment, and the revision thereof by the board of appeals, he shall prepare in duplicate a complete and accurate list of the same, giving alphabetically the names of all persons assessed, with a description of the property assessed against them, respectively, one of which said lists shall, in book form, be retained in his office, and the other transmitted to the collector of taxes; and the said superintendent shall, in addition, prepare in book form, and retain in his office, a list giving in numerical order the number of the square, subdivisions, and lots assessed in the cities of Washington and Georgetown, with the names of the owners thereof; he shall also keep a book, in which the recorder of deeds and register of wills shall each day enter, in a manner sufficiently distinct to enable the changes to be noted on the tax-book and assessment lists, all transfers of real estate in the District of Columbia, with a description of the metes and bounds of the property so transferred; and the said superintendent shall enter such transfers as may be thus recorded upon the assessment books in his office, and in the office of the collector of taxes.

CHAPTER II.—OF TAXES ERRONEOUSLY PAID.

1. The governor is hereby authorized and instructed to cause all taxes erroneously paid in the District of Columbia to be refunded by the

proper accounting and disbursing officers of said District, upon the certificate of the collector of such erroneous payment, which certificate shall state the nature of the error, the name of the person or persons by whom such excessive payment was made, and such other particulars as may be necessary to satisfy the accounting officers that such claim for reimbursement is just and equitable; and the said accounting and disbursing officers shall pay all moneys so refunded out of, and charge the same to, the fund which was credited with the erroneous payment.

2. Whenever any person shall deposit money in the treasury for the purpose of procuring a license, and said license shall have been subsequently refused by legal authority, it shall be the duty of the accounting and disbursing officers of the District to refund the money so deposited, deducting therefrom an amount justly proportionate to the time during which such license shall have been used by the applicant therefor, or his representatives, and charge the amount so refunded to the fund which was credited with the original deposit.

3. In all cases of sales of property for non-payment of taxes, where the amount bid and paid therefor is in excess of the taxes and the cost incurred in enforcing the collection thereof, such excess shall be placed in the treasury to the credit of the surplus fund, where it shall remain subject to the order of the owner or owners of such property, or his or their legal representatives, and shall be paid by the accounting and disbursing officers of this District, on the demand of owner or owners, or his or their representatives, on the presentation of satisfactory evidence that he or they are entitled to receive it; and all payments made under the provisions of this section shall be paid out of and charged to the surplus fund.

4. All moneys paid or deposited according to law, for the redemption of property sold for taxes, shall be credited to the redemption fund, and the same shall be paid by the accounting and disbursing officers of the District to the person or persons entitled to receive it, on the presentation of the certificate of the register; and all payments by virtue of this section shall be payable out of and charged to the redemption fund.

5. In all cases of defects or errors in any sale of property for taxes, the collector shall issue a certificate of the facts in such case, giving all the particulars; and it shall be the duty of the proper accounting and disbursing officer of the said District to reimburse to the purchaser the amount paid in each case, with interest at the rate of six per centum per annum thereon, to be payable on the surrender of the certificate of said sale or the execution of a quit-claim deed to the said District; and all payments made under the provisions of this section shall be chargeable to the fund which was credited with the original deposit.

CHAPTER III.—OF THE COLLECTION OF TAXES.

COLLECTOR.

1. It shall be the duty of the collector of taxes to collect all taxes imposed by the government of the District of Columbia, except such as may be otherwise provided for, and to deposit the same daily with the treasurer, taking his receipt in duplicate therefor, one of which duplicates shall be transmitted to the comptroller, and the other placed on file in the collector's office; and the aggregate of such receipt shall each week be compared and certified to on the books of the collector and treasurer by said respective officers.

2. The collector shall enter as received, to the credit of each fund, the amount collected on account thereof, posting the same to the credit of the respective funds, and shall, at the close of each day's collections, make an aggregate of the amount so collected, and furnish to the comptroller a copy thereof.

3. It shall be the duty of the collector to keep in his office account-books, in which shall be entered: First, the dates of payment of all taxes; second, the amounts paid; third, the names of the persons by whom payment has been made; fourth, the years paid for; fifth, the property paid on; and sixth, the names of the persons to whom assessed. His books shall at all times be open to the inspection of the comptroller, or any other officer who may be authorized by the governor to examine the same.

4. It shall be the duty of the collector of taxes to make out an account of the taxes due by each and every person on real property, in which shall be stated the number of the square and lot, or part of lot, with the assessment value thereof; also the assessment value of the improvements on which such tax is due, together with the aggregate amount of taxes due thereon.

5. Immediately after the levy of taxes said collector shall transmit to each person whose name shall appear on the tax-list a statement, as aforesaid, of the taxes due by him, with the notification that unless they shall be paid on or before the expiration of ninety days from the date of such notice, the said collector will proceed to enforce the collection of the same by due process of law, as hereinafter provided.

TAX SALES.

6. The collector of taxes shall, within sixty days after the expiration of the ninety days prescribed in the foregoing section, prepare a complete list of all real property in arrears, and publish such list twice a week, for four successive weeks, in the regular issues of some newspaper published in the District of Columbia, and designated by the governor, giving notice that if the said taxes due, together with the cost that may have accrued thereon, shall not be paid prior to the day named for the sale, the property will be sold by the said collector at public auction to the highest bidder.

7. Upon the day specified in such advertisement the collector shall proceed to sell any and all property upon which such taxes remain unpaid, and continue to sell the same from day to day, until all the real property in arrears, as aforesaid, shall have been brought to auction.

8. Immediately after the close of the sale the collector shall, upon payment of the purchase-money, issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner thereof within one year from the date of sale, by the payment of the amount for which it was sold at such sale, and fifteen per centum per annum thereon, a deed therefor, countersigned by the secretary of the District of Columbia, and having affixed the seal of said District, shall be given by the governor to the purchaser at the tax sale, which deed shall be deemed and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized.

9. In case any of the property advertised as aforesaid shall not be sold to any person or persons, for want of bids sufficient to meet the amount of taxes and costs due thereon, it shall be lawful for, and is hereby made the duty of, the comptroller to purchase the same, for such an amount not exceeding the taxes and costs due thereon, for and on behalf of the

District of Columbia; and if, within one year thereafter, such property is not redeemed by the owner or owners thereof, by the payment of the taxes and costs due at the time of the sale, and ten per centum per annum thereon, a deed shall be given, as hereinbefore provided, to the District of Columbia, and thereafter the title to the same shall rest in the said District, as in cases of individual purchase.

10. The owner of real estate sold for the payment of taxes, or his heirs or assigns, may, within two years from the day of sale, redeem the estate sold, by paying or tendering to the purchaser, or his heirs or assigns, the sum paid by him, with ten per cent. interest, and all necessary intervening charges, or by depositing with the collector of taxes the amount of the said sum paid, with said interest and necessary intervening charges.

11. Minors, mortgagees, or others having equitable interests in real estate, and which may have been sold for taxes, as aforesaid, shall be allowed one year after such minor's coming to or being of full age, or after such mortgagee or others having equitable interests obtaining possession of, or a decree for, the sale of such property, to redeem the property so sold from the purchaser or purchasers, his, her, or their heirs or assigns, on the payment of the amount of purchase-money so paid therefor, with ten per centum per annum interest thereon, as aforesaid, and all taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with ten per centum per annum interest on the amount of such taxes, and also the value of improvements which may have been made or erected on such property by the purchaser, or his assigns, while the same was in his, her, or their possession.

12. No sale of real estate provided for in this chapter shall be rendered void by the failure or neglect to comply with any of the provisions herein contained: *Provided*, That the required public notice shall have been given of the time and place of sale.

13. In all cases of sale of real estate for the payment of taxes assessed thereon, the supreme court of this District shall have equity powers, if relief is sought within five years from the sale.

14. In case of erroneous payment of taxes the said collector shall furnish a certificate of the same to the person interested, who shall be reimbursed by a warrant, in the manner in which other claims are paid.

15. The collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property sold, to whom it is assessed, the taxes due, for what years, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any.

16. Whenever, after the expiration of ninety days from the levy thereof, any taxes shall remain due upon personal property, the collector of taxes shall, after ten days' public notice thereof, seize and sell the same at public auction, or so much thereof as may be necessary to pay said taxes and the costs of sale, and no part of said personal property shall be exempt from sale: *Provided*, That taxes levied on personal property shall not be advertised.

17. Any surplus remaining after the collection of taxes and costs on any real or personal property shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

CHAPTER IV.—OF THE ASSESSMENT AND COLLECTION OF TAXES FOR SPECIAL IMPROVEMENTS.

SECTION 1. Whenever any of the improvements mentioned or referred to in section thirty-seven of the act entitled "An act to provide a government for the District of Columbia," approved the twenty-first day of February, one thousand eight hundred and seventy-one, shall be completed, a statement of the cost thereof shall be prepared by the board of public works, and be filed in the office thereof; and immediately thereafter an assessment, based upon said statement, shall be made, as provided for in said section of said act, which assessment shall be collected by the said board in the same manner as other taxes of the District of Columbia are now or may hereafter be authorized to be collected.

SEC. 2. Within ten days after making an assessment, the board of public works shall give, or cause to be given, written or printed notice to each proprietor of property adjoining and specially benefited by any improvement of the amount assessed against the same, if he be a resident of the District of Columbia, and, if he be a non-resident, to his tenant or agent, requiring the amount to be paid within thirty days from the date of such notice; and a return of such service shall be made to the said board, with proof of the manner in which the same shall have been served, and be filed among its records. And the service of such notice shall, in all cases, be either personal on said proprietor, agent, or tenant, or by pasting or placing a copy thereof on the property, as aforesaid, against which the assessment exists.

SEC. 3. If any person or persons, notified as aforesaid, shall neglect or refuse to pay the amount assessed against his or their property, as aforesaid, after the expiration of thirty days, the said board of public works shall immediately thereafter issue certificates of indebtedness against the property assessed as aforesaid, which certificate shall bear interest, until paid, at the rate of ten per centum per annum; and until paid the assessment and certificate shall remain and be a lien upon the property on or against which they shall have been issued; and if the said assessment shall not be paid within one year, the said board shall, upon the application of the holder of the certificate of indebtedness, proceed to sell the property against which the assessment and the certificate exist, or so much thereof as may be necessary to pay said assessment, such sales to be first duly advertised daily for three successive weeks in the regular issue of some newspaper published in the District of Columbia, and to be made by said board at public auction to the highest bidder; and a deed shall be given by the governor, countersigned by the secretary of the District of Columbia, which deed shall be deemed and held to be a good and perfect title to any property bought at any sale hereby authorized: *Provided*, That the owner of such real estate shall have the right to redeem the property so sold by paying the amount of the purchase-money, and twenty per centum thereon, within two years from the date of sale.

SEC. 4. The amount over and above the sum required to pay the tax and the cost and expenses thereof, shall be paid to the owner or owners, their heirs, attorneys, or other legal representatives, against whom such tax was assessed.

SEC. 5. Minors having interest in real property, which property shall be sold for taxes as aforesaid, shall be allowed one year after such minors' coming to or being of full age, to redeem the property so sold from the purchaser or purchasers, his, her, or their heirs or assigns, on

paying the amount of purchase-money so paid therefor, with fifteen per centum interest thereon as aforesaid, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with fifteen per centum interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property by the purchaser, or his assigns, while the same was in his, her, or their possession.

TITLE V.—OF THE MILITIA.

CHAPTER V.—OF THE MILITIA.

1. Every able-bodied male citizen, between the ages of eighteen and forty-five years, residing in this District and not exempt by law, shall be subject to military duty, and enrolled as hereinafter directed.

2. The assessors of the District shall, at the time they prepare a list containing the names of the persons subject to assessment within their respective limits, also make out a separate and distinct list of all persons within said limits, respectively, subject to enrollment and the performance of military duty, and who are not exempt by law, and shall transmit a copy of said list, certified to be correct by such assessors, to the secretary of the District within one month after such list is completed.

3. The enrolled militia shall be subject to no active duty, except in case of war, invasion, the prevention of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the District, in which cases the governor, as commander-in-chief, shall order out for actual service, by draft or otherwise, as many of the militia as necessity demands. Whenever the militia shall be called forth into actual service as aforesaid, they shall be governed by the regulations of the Army and the rules and articles of war which govern the troops of the United States.

4. The commander-in-chief is hereby authorized to make and publish all needful rules and regulations for the control, discipline, armament, and equipment of the militia to carry out the provisions of this act, which rules and regulations shall, as far as practicable, conform to the laws and regulations governing the organizing of the United States volunteer forces, their discipline, armament, equipment, and officers, and which rules and regulations shall have the force of law.

5. In addition to the persons exempted from enrollment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrollment, namely: the officers, legislative, executive, and judicial, of the District; all custom-house officers and their clerks; post officers and other persons actually employed in the care and conveyance of the mails; mariners actually employed in the sea-service, in coasting-vessels, or river-craft; all pilots, ministers of the gospel, professors, assistants, tutors, and pupils in colleges and schools; officers who have held or who may hold commissions in the regular or volunteer Army or Navy of the United States; warden and keepers of the jail; intendant of asylum; superintendents and servants of public hospitals, infirmaries, and lunatic asylums; idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of infamous crimes. The officers and members of the fire department shall be exempt from enrollment and the compulsory performance of military duty in time of peace.

6. All persons exempt by law may prove their exemption by oral or written evidence, and all courts and persons having a right by law to inquire concerning the grounds of such exemption are hereby author-

ized to administer all oaths which may be necessary to satisfy themselves concerning such exemption.

7. Every citizen of this District subject to enrollment and the performance of military duty, who is not a member of a volunteer company within this District, armed and uniformed under the provisions of section ten of this act, shall pay, each and every year, the sum of two dollars, as a commutation for the non-performance of military duty, which sum shall exonerate the person paying it from the performance of military duty for the year, except in cases of war, insurrection, invasion, or to assist in executing the laws of the District. Said sum of two dollars shall be collected by the same persons, at the same time, and in the same manner as other taxes are collected. The fund thus collected shall be called and known as the "military fund."

8. When the said sum of two dollars is due by any person between the ages of eighteen and twenty-one years, the same may be collected from the father, master, or guardian with whom such person shall reside, or out of any property such minor may have.

9. Whenever a sufficient number of citizens of this District above the age of eighteen years shall wish to form themselves into a volunteer militia company, by subscribing their names to an agreement to that effect, they may proceed to elect company officers, as provided in section twenty-two of this act, provided their number shall not consist of less than forty persons. The captain-elect shall thereupon transmit to the adjutant-general the original agreement signed by the members proposing to organize said company, together with the proceedings of the meeting held, of the election, duly attested by its chairman and secretary; and whenever the said officers-elect are commissioned by the governor, as provided in section twenty-three, and the oaths of office, as provided in section twenty-five of this act, shall have been taken and subscribed by the members thereof, said organization shall be a legally organized volunteer company of the militia of this District, subject to the requirements and entitled to all the benefits and privileges of this act. The active members of the uniformed volunteer militia, organized as herein provided, shall be exempt from the performance of jury duty.

10. The commander-in-chief may arrange the volunteer militia companies into divisions, brigades, and battalions, conformable to the laws of the United States, and make such alterations as from time to time may be necessary. Each division, brigade, regiment, and battalion shall be numbered at the formation thereof, and a record thereof made in the office of the secretary of the District.

11. Every volunteer company may adopt a constitution, and form by-laws, rules, and regulations not inconsistent with the Constitution of the United States and the laws of this District for the government and improvement of its members in military science. Said constitution, by-laws, rules, and regulations may fix the fines and penalties which shall be imposed on any member of the company for an infraction of any of the provisions thereof, and may also fix the fines which shall be imposed on any member for a failure to parade at any muster which may be called in accordance with the rules and regulations of the company. Fines, contributions, and dues may be collected in [the] name of the company, and shall be applied for the benefit of the company, under its direction.

12. The volunteer militia of this District shall consist of fifty companies of infantry, five companies of cavalry, and one light battery of four guns.

13. When any volunteer company of artillery, cavalry, or infantry

shall become organized and uniformed according to law, the captain or commanding officer thereof, duly commissioned, may make requisition upon the commander-in-chief of the militia of this District to furnish him, for the use of his company, with such necessary arms and accouterments as his company may require; and the commanding officer of such company shall give a good and sufficient bond to the governor of the District for the safe-keeping and return of such arms and accouterments, which shall remain and continue to be the property of the District, to be used for military purposes only, and which shall be returned to the District when called for by the commander-in-chief; and the commander-in-chief may, at the request of any commander of a battalion, designate suitable places for the company rendezvous and for the safe-keeping of arms and accouterments.

14. Any officer receiving arms and accouterments, or other public property for military use, shall be accountable for the same, and shall not be discharged from his obligations therefor until he has properly accounted for said arms and accouterments or other property, either by receipt from his successor in command, or some other officer authorized to receive the same, for the article received by him, in good order and condition, reasonable wear and tear excepted, or by satisfactory proof to the adjutant-general that any article not so accounted for has been properly expended in the service, or defaced, injured, lost, or destroyed, without any default or neglect on his part, and, if lost, defaced, or destroyed through the misconduct of any person, that reasonable efforts have been made by him to recover or prosecute for the same; and it shall be the duty of the adjutant-general to enter suit on the bond of any officer, in the name of the District of Columbia, for the value of such property as may have been defaced, injured, lost, or destroyed, after being received by him, and which has not been properly accounted for by him as aforesaid; and the officer succeeding him to the command of a company shall, before being commissioned, be required to file a bond with the governor of the District, as hereinbefore prescribed, for the safe-keeping and return of all property of the District in the possession of said company, upon the terms and conditions imposed upon the officer or officers by whom said property was received.

15. All arms, equipments, or other property which may have been furnished to volunteer companies, shall, when required by the commanding officers of the company, battery, battalion, squadron, or regiment, be deposited in the armory of said company, battery, battalion, squadron, or regiment; and failure so to deposit, as aforesaid, any article of such property by the person to whom it was issued, ten days after he shall have been notified by written notice from the commanding officer as aforesaid to return it to the armory, shall be punished by a fine of not less than five nor more than fifteen dollars, to be recovered under due process of law; and the fines so collected shall be placed to the credit of the military fund.

16. Whoever shall willfully or maliciously destroy, injure, or deface any arms, or other article of military property belonging to the District, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding double the amount of the value of the property so injured or defaced, to [be] recovered on complaint of the commander of the company, as provided in the preceding section, or by imprisonment in the county or city jail for not less than two weeks nor more than two months.

17. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or receive in pawn or pledge, or buy any arms

or equipments, or any part or parts thereof, the property of the District, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the city or county jail for not less than six months nor more than one year, or by a fine of not less than fifty nor more than one hundred dollars, to be recovered as provided in the preceding sections.

18. Upon the disbandment of a volunteer company which has received arms, equipments, or any other property of the District for military purposes, the commanding officer of such company shall be responsible for the return of the same to the custody of some duly authorized officer of the District, and it shall be the duty of the adjutant-general to take the necessary legal proceedings in the name of the District, as provided in the preceding sections of this act, unless the said property be properly accounted for by said commanding officer, as provided in section fourteen.

19. The militia, when called into active service, shall be allowed the same pay and rations as the regular troops of the United States Army, and the rations, when commuted, shall be fixed by the army regulations in force at the time.

20. The militia, under the command-in-chief of the governor of the District, shall be organized as follows: The staff of the commander-in-chief of the militia shall consist of an adjutant-general, who shall be chief of staff, with the rank of colonel, and shall also be the inspector-general of the militia; a quartermaster and a surgeon, each with the rank of colonel, and two aids-de-camp, each with the rank of colonel; and such other additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate. The quartermaster shall also be chief of ordnance and commissary of subsistence. To each division there shall be one major-general, whose staff shall consist of an assistant adjutant-general, who shall be chief of staff, with the rank of lieutenant-colonel, and shall also be assistant inspector-general; one medical director, who shall be a surgeon, and shall have the rank of major; one assistant quartermaster, with the rank of major; two aids-de-camp, one engineer of division, and one judge-advocate, each with the rank of captain. To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant adjutant-general, with the rank of major, who shall be assistant inspector-general; a medical director of brigade, with the rank of captain; one assistant quartermaster, one aid-de-camp, one engineer of brigade, one judge-advocate, each with the rank of first lieutenant. To each regiment there shall be one colonel, one lieutenant-colonel, and two majors; also one adjutant and one regimental quartermaster, each with the rank of first lieutenant; one regimental surgeon, with the rank of captain; one regimental chaplain, to be borne on the field and staff roll next after the surgeon; one regimental assistant surgeon, with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, who shall also perform the duties of commissary-sergeant; one hospital steward, and one drum-major. To each separate battalion there shall be one major, also one adjutant, one battalion quartermaster, and one assistant surgeon, each with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, who also shall be commissary-sergeant, and one hospital steward. To each company there shall be one captain, two lieutenants, and one brevet second lieutenant, five sergeants, and eight corporals.

21. The general officers of the militia shall be selected by the governor; field-officers of regiments and battalions by the written votes of the captains and lieutenants of the companies of the respective regiments or battalions; captains and lieutenants of companies by the writ-

ten votes of the non-commissioned officers and privates of the respective companies.

22. All commissioned officers of the militia shall be commissioned by the governor, who may, in his discretion, withhold such commission, in order to determine the qualification of the person for the office to which he shall have been elected or appointed.

23. The staff-officers of the militia shall be appointed as follows: The staff of the commander-in-chief; the staff of a major-general commanding a division, by the governor, upon the recommendation of the major-general; the staff of a brigade-commander by the governor, upon the recommendation of the brigadier-general commanding the brigade; the regimental staff, by the written votes of the captains and the lieutenants of companies composing the regiment. The non-commissioned staff shall be appointed in the following manner: that of a regiment by the commander of a regiment; that of a battalion by the written votes of the captains and lieutenants of the companies composing the battalion; the non-commissioned officers of a company by the written votes of the members of said company.

24. The volunteer militia shall parade semi-annually, in the months of May and October, for inspection, battalion and regimental drill and maneuver, under the general or special orders of the commander-in-chief. The brigade and regimental commander, with the approval of the commander-in-chief, may, at some time between the months of May and September, order an encampment of the troops for inspection, review, target-practice, and thorough exercise. The orders for encampment by brigade shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiment shall be promulgated in the regiment twenty days before such time. The place, and if no time is designated by the commander-in-chief, the time, of encampment shall be designated by the commander of the troops to be assembled; and regard shall always be had to the convenience, proximity, and accommodation of the troops to be assembled.

25. The military fund shall be deposited with the treasurer of the District, and, at the expiration of each fiscal year, it shall be distributed proportionately among the companies, according to the number of active and uniformed members thereof, by a board of five officers, appointed by the commander-in-chief from among the different commands, of which board the inspector-general shall be president.

26. Every commissioned officer, non-commissioned officer, and private, before he enters upon his duties, or exercises in a command, shall take and subscribe, in such manner and before such person as the commander-in-chief may direct, the following oaths or affirmations, viz:

"I, (A. B.,) do solemnly swear (or affirm) that I will bear true allegiance to the District of Columbia, and will faithfully support the Constitution of the United States: so help me God."

"I, (A. B.,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me according to the best of my abilities and understanding, agreeable to the laws of the District of Columbia, and will faithfully support the Constitution of the United States: so help me God."

"I, (A. B.,) do solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof: so help me God."

And before being commissioned, every officer, in addition to the above, shall take the following oath or affirmation:

"I, (A. B.,) do solemnly swear (or affirm) that I will bear true allegiance to the District of Columbia, and support and defend the laws thereof, and that I will bear true allegiance to the United States, and support, protect, and defend the Constitution and laws thereof as the supreme law of the land; and I do further swear (or affirm) that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up or dissolved, or the Government thereof to be destroyed under any circumstances, if in my power to prevent it, and that I will, at all times, discountenance and oppose all political combinations having for their object such dissolution or destruction; so help me God."

27. The officer before whom the oath or affirmation was made shall furnish to the party making it a certificate of the following form, viz: "This is to certify that A. B., commissioned as within, this ——— day ———, Anno Domini ——, personally appeared and made the oaths or affirmations as required by the laws of the District of Columbia and of the United States, to qualify him to discharge the duties of his office, before me."

TITLE VI.—OF CERTAIN OFFICERS AND MATTERS OF FINANCE

CHAPTER I.—APPOINTMENT AND TERM OF OFFICE OF CERTAIN OFFICERS.

1. The governor shall appoint persons to fill and perform the duties of the offices created by and mentioned in the several chapters under Titles VI, VII, VIII, and IX, Part I, and whose appointment is not otherwise specially provided for in said titles, who, unless sooner removed by him, shall hold the same for a period of two years, and until their successors are appointed and qualified; and he shall fill all vacancies which may occur in any of said offices by removal or otherwise: *Provided*, That nothing herein contained shall be so construed as to enable any of the officers who may be appointed by the governor to continue to hold the same during two years, if, prior to the expiration of said period, any of such officers should be made elective.

CHAPTER II.—COLLECTOR OF TAXES—SUPERINTENDENT OF ASSESSMENTS AND TAXES.

1. There shall be a collector of taxes of the District of Columbia, who shall receive an annual compensation of five thousand dollars, and before entering upon his duties he shall execute a bond in the sum of one hundred thousand dollars, with sufficient surety or sureties, to be approved by the governor, conditioned for the faithful performance of the duties of his office.

2. There shall be three deputy collectors of taxes: one for, and a resident of, that part of the District of Columbia known as the city of Washington; one for, and a resident of, that part of said District known as the city of Georgetown; and one for, and a resident of, that part of said District known as the county of Washington.

3. The deputy collectors shall each receive an annual compensation of two thousand dollars, and execute a bond in the sum of thirty thousand dollars, with sufficient surety or sureties, to be approved by the governor, conditional for the faithful performance of the duties of their offices; and for the acts of the deputy who may at any time act as collector, his sureties, as well as those of the collector, shall be responsible.

4. The deputy collector of taxes shall perform such duties as the collector of taxes may prescribe; and in case of temporary disability of the said collector, from sickness or other causes, the governor shall designate one of said deputy collectors, who shall act in the capacity of collector during the continuance of such temporary disability, and no longer.

5. There shall be a superintendent of assessments and taxes, who shall receive annually a compensation of three thousand dollars, and give bond, to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties.

6. There shall be twenty-two assessors; one for, and a resident of, each legislative district in the District of Columbia.

7. The compensation of each assessor shall be five dollars for each and every day he may be actually employed in the discharge of his duties: *Provided*, That he shall perform the same within a period of ninety days.

8. There shall be a board of appeals, to consist of five persons, including the superintendent of assessments and taxes; two for, and residents of, that part of the District of Columbia known as the city of Washington; one for, and a resident of, that part of said District known as the city of Georgetown; and one for, and a resident of, that part of said District known as the county of Washington.

9. Each member of the board shall receive a per diem of five dollars for each and every day the board may be in session.

NOTE.—The duties of the officers named in this chapter are prescribed in chapters ——, Title ——.

CHAPTER III.—TREASURER.

1. There shall be a treasurer of the District of Columbia, whose salary shall be three thousand dollars per annum, and he shall give bond, to be approved by the governor, in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties.

2. The treasurer of the District of Columbia shall receive daily from the collector of taxes all moneys which may be paid to said collector, giving receipts in duplicate therefor, one of which shall be retained by the collector of taxes and the other to be transmitted to the comptroller.

3. Upon the deposit of a license-fee with the treasurer, he shall issue a certificate thereof to the register; he shall keep an exact account of all moneys received by him, and of the payments which from time to time he may make; he shall daily deposit, in the designated depository of the District of Columbia, all moneys received from the collector of taxes, or from any other source, and shall receive therefor receipts in duplicates, one of which shall be filed in his office and the other in the office of the comptroller, and a record thereof made in each office; said records shall be compared weekly by the auditor and comptroller with the weekly statement hereby required to be furnished by the depository of the District of Columbia; and the result of such examination shall immediately thereafter be reported to the governor by said auditor and comptroller.

4. All payments shall be made by the treasurer upon the comptroller's warrants, countersigned by the auditor.

5. The treasurer shall each week submit to the governor a report of the condition of the finances of the District.

CHAPTER IV.—AUDITOR.

1. There shall be an auditor of the District of Columbia, who shall receive an annual compensation for three thousand dollars, and shall give bond, to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

2. It shall be the duty of the auditor of the District of Columbia to

audit all accounts against the said District, and also to compare all accounts against the cities of Washington and Georgetown and the county of Washington created prior to the first day of June, eighteen hundred and seventy-one, and, if found correct upon comparison with the appropriations made therefor by the legislative assembly, and the report of the special commission to audit said claims, a copy of which shall be filed with the auditor by said commission, to approve and certify the same.

3. He shall keep a record of all bills certified by him, their amounts, the appropriation to which they are chargeable, and the date of approval.

4. He shall retain in his office the originals of all contracts and agreements not otherwise provided for.

5. He shall also examine and audit all accounts, not otherwise specially provided for by law, and certify the amount of the same to the comptroller.

6. He shall countersign all warrants drawn by the comptroller if, upon comparison with the amount certified by him, he shall find the same correct.

1. There shall be a deputy auditor, who shall receive an annual compensation of two thousand dollars, and shall give bond, to be approved by the governor, in the sum of fifteen thousand dollars, conditioned for the faithful discharge of the duties of his office.

2. The deputy auditor shall perform such duties as the auditor may prescribe, and in case of temporary disability of said auditor, from sickness or other cause, he shall act in the capacity of auditor during the continuance of such temporary disability, and no longer.

CHAPTER V.—COMPTROLLER.

1. There shall be a comptroller of the District of Columbia, who shall receive a salary of four thousand dollars per annum, and give bond, to be approved by the governor, in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties.

2. It shall be the duty of the comptroller of the District of Columbia to keep an exact and accurate account of all appropriations made by the legislative assembly, and of bonds, stocks, and certificates of indebtedness issued by said District.

3. He shall receive and file in his office a transcript of all assessments of taxes upon real estate and personal property in the District of Columbia so soon as the list shall have been made by the superintendent of assessments and taxes.

4. He shall each year prepare from such transcript an aggregate of the amount of taxes levied, and shall compare the same with the assessment-lists and the tax-book of the collector of taxes.

5. He shall charge to the respective appropriations all payments made upon the certificate of the auditor, and submit to the governor a monthly statement of the balance outstanding to the credit of the respective appropriations.

6. He shall examine all accounts certified to him by the auditor, and, if satisfied that they are correct, draw warrants upon the treasurer therefor; and in no case whatever shall any warrant be drawn upon any appropriations unless there is a balance to the credit thereof.

CHAPTER XV.—SCAVENGERS.

1. There shall be fifteen scavengers appointed by and removable at the pleasure of the board of health—two for each council district in that part of the District of Columbia known as the city of Washington, and one for the city of Georgetown, each to be a resident of the district for which he may be appointed.

2. It shall be the duty of the scavengers, each in his respective district, once in two months from the first day of April to the first day of October, and once in three months from the first day of October to the first day of April in every year, to clean out all privies, or whenever they become offensive or require cleaning, or within twenty-four hours after he shall at any time be required to perform that duty by the occupier of the premises; the box or other vessel containing the filth shall be well and sufficiently cleaned and replaced in the privy; and all such contents of privies shall be carried and deposited at such depot or depots as the board of health may designate; and each scavenger shall be entitled to receive at such depot such pay for his own interest, for every cart load of such said contents there deposited, as the governor in his discretion may arrange; and the several scavengers shall be entitled to demand and receive from the proprietors or tenants in their respective districts, for cleaning their privies, the fees or compensation following, to wit: fifty cents for each box not exceeding three feet in length, eighteen inches in breadth, and eighteen inches in depth; and for each additional foot or part of a foot in length, twenty-five cents; and for all boxes of greater breadth or depth than that prescribed by this act the said scavengers shall be entitled to demand a compensation in the proportion that said increased dimensions bear to those prescribed herein. And the said scavengers shall be entitled to receive for every bucket or other vessel not exceeding eighteen inches in diameter cleaned by them, respectively, the sum of thirty-seven and one-half cents; and every bucket or other vessel exceeding eighteen inches in diameter shall be charged at the rate fixed for boxes.

3. Before it shall be obligatory upon any scavenger to clean a box or privy he shall be paid his fees in advance.

4. It shall be unlawful for any person whatever, except a scavenger duly appointed, to clean out any privy in the cities of Washington or Georgetown, for hire, or for any person to employ any other than a scavenger to clean out any privy for his or their use for hire. And any person offending against either of the provisions of this section shall forfeit and pay a fine of ten dollars for each offense: *Provided*, That nothing herein contained shall be so construed as to prohibit any person from cleansing his own privy, or causing the same to be cleansed by his servants or others under his authority; but any person who may cause his privy to be cleansed shall have the contents thereof deposited and buried, under the same restrictions as are provided by law.

5. It shall be incumbent (except when the board of health shall otherwise allow) on the owner of every house or premises on which a privy shall hereafter be erected to provide for the same a sufficient box, bucket, or vessel for the reception of filth; and for every month he or she shall neglect to provide the said box, bucket, or vessel for the same, after the erection of the said privy, such owner or owners shall incur a penalty of five dollars.

6. Any scavenger or scavengers who shall fail to comply with any of the requisites of law shall be fined not less than one dollar nor exceed-

ing ten dollars for each and every offense, to be recovered and applied as are other fines for breaches of the laws of this District.

7. It shall be the duty of the board of health, upon complaint made or information given in writing of the offensiveness of any privy or privies within their respective wards, to cause the box or other vessel (and the seats and floors if necessary) of the said privy or privies to be thoroughly cleansed by the scavenger of the district in which the said privy or privies may be erected; and if there be no acting scavenger in the said district, to cause the same to be cleansed forthwith by some other person at the expense of the owner or occupier of the premises.

8. If the owner or occupier of the premises on which a privy or privies are erected shall refuse to permit the same to be cleansed when necessary, or shall refuse to have the same cleansed at the times designated by law, he or she shall be fined five dollars for every offense, to be recovered and applied in the same manner as other fines are arising from violations of the laws of this District.

9. And whenever it shall be made appear to the satisfaction of the board of health that any privy has become a nuisance, or cannot be kept clean without great difficulty, expense, and inconvenience, it shall be his duty to cause the same to be pulled down or removed, at his option and discretion.

10. It shall not be lawful for any scavenger, or any other person employed, to remove the contents of privies, offal, or any other offensive matter, or to send or take a cart or other vehicle used for that purpose through any of the improved parts of this District at an earlier hour than 11 o'clock p. m. or later than one hour before sun-rise at any season; and for each and every violation of this section the person offending shall be fined not less than ten dollars; to be recovered and disposed of as other fines: *Provided* That these provisions shall not be construed to conflict with the laws of the District relative to the removal of dead animals or other nuisances when their removal is made by proper authority of law.

11. It shall be unlawful for any scavenger or person acting as scavenger to deposit the contents of any privy within five hundred yards of any house or public road, or any street or avenue which shall have been opened or improved within the limits of the District nor within any portion of the cities of Washington or Georgetown, without the written permission of the board of health, under a penalty of ten dollars for every offense.

12. Any scavenger neglecting to clean a box or privy within forty-eight hours after receiving pay for so doing, shall be subject to a fine of not less than two dollars, nor exceeding five dollars, for each and every offense, to be recovered in the usual manner, and one-half of the fine to be given to the informant, and the other half shall be applied as other fines for the violation of the laws of this corporation are applied.

CHAPTER XVI.—SUPERINTENDENTS OF SWEEPS.

1. There shall be three superintendents of sweeps—two for, and residents of, that part of the District of Columbia known as the city of Washington, and one for, and a resident of, that part of said District known as the city of Georgetown.

2. Before any superintendent of chimney-sweeps enters upon the duties of his office he shall give bond, with two sureties, to be approved

shall give bonds for the faithful performance of his duty in the sum of ten thousand dollars.

2. The water-registrar shall peform such duties connected with the water department of the District as may be proper and necessary, under the direction of the board of public works.

3. There shall be an inspector and tapper of water-mains, who shall receive an annual salary of eighteen hundred dollars.

4. The inspector and tapper of water-mains shall perform such duties as may be required of him by the water-registrar, under the direction of the board of public works.

CHAPTER X.—ATTORNEY.

1. There shall be an attorney of the District of Columbia, who shall receive an annual compensation of three thousand dollars.

2. The attorney for the District of Columbia shall be under the direction of the governor, and have charge and conduct of all law business of the said District, and all suits instituted by and against the government thereof.

3. He shall furnish opinions in writing to the governor, either branch of the legislative assembly, or any committee thereof, whenever requested to do so.

4. All requests for opinions shall be transmitted through the governor, and a record thereof kept, with the opinions, in the office of the secretary of the District.

5. He shall perform such other professional duties as may be required of him by the governor.

6. There shall be an assistant attorney, who shall receive an annual compensation of fifteen hundred dollars.

7. The assistant attorney for the District of Columbia shall, under the direction and control of the attorney for the said District, perform such duties as may, with the consent of the governor, be assigned to him by the said attorney.

8. The attorney and assistant attorney of the District of Columbia are hereby authorized to administer oaths and affirmations in the discharge of their official duties within the District of Columbia.

9. No attorney or counsellor shall be employed to assist the attorney of the District of Columbia in his official duties, except upon the written authority of the governor; and the amount of money paid as fees, or otherwise for such assistance, shall be stated annually in a report to the legislative assembly by the governor, stating the particular sums paid, to whom, and the particular services for which each sum is paid for such service.

CHAPTER XI.—SURVEYOR.

1. There shall be a surveyor, who shall receive an annual salary of eighteen hundred dollars. He shall give bond, to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties.

2. There shall be a first assistant surveyor, who shall receive an annual salary of one thousand dollars and one-third of all the fees of said

office. The assistant surveyor shall assist the surveyor in the discharge of the duties of his office.

3. There shall be a second assistant surveyor, who shall receive an annual compensation of fifteen hundred dollars, and who shall reside in the city of Georgetown, and one draughtsman, at an annual salary of twelve hundred dollars, payable monthly.

4. The assistant surveyor and draughtsman shall hold their offices for one year unless sooner removed by the governor, or until their successors shall have been appointed and qualified, and they shall be under the control of the surveyor of said District, to be by him employed on such work as he may deem proper.

5. It shall be the duty of the surveyor of the District of Columbia, whenever the proprietor of any square or lot in said District shall deem it necessary to subdivide such square or lot into convenient building-lots, pieces, or portions, for sale or occupancy, and alleys for their accommodation, to cause a plat of the same to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary for defining and laying off the same on the ground, and may certify such subdivisions, under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

6. At the request of the said proprietor, the surveyor of the District of Columbia shall examine whether the lots, pieces, or parcels into which any square or lot may be subdivided, as aforesaid, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of said subdivision be the true dimensions of the parts so expressed, and if, upon such examination, he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear necessary for the further illustration thereof, and record the said plat, as examined, in a book or books to be kept by him for that purpose.

7. When any such subdivision of any square or lot shall be so certified, examined, and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the said plat or record for description, in the same manner as to squares and lots divided between the commissioners and original proprietors, and the ways, alleys, or passages laid out and exposed on such plat of subdivision shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the proprietors.

8. Whenever the surveyor of the District of Columbia shall lay off any lot therein, or any of the parts into which a square or lot may be subdivided, as aforesaid, he shall measure the whole of that front of the square on which such lot or part lies, and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the front of the lots on that side of the square, as the same are recorded, he shall apportion such excess or deficiency among the lots or pieces on that front, agreeably to their respective dimensions; and the said surveyor shall be authorized to receive from the person for whom he shall perform the services required by this act the fees following, that is to say: For examining the plat and calculations of any subdivision of a square or lot, fifteen cents for each of the lots or portions into which it may be subdivided, provided that no more shall be paid for all the lots in any one square than one dollar and fifty cents; for recording any division or subdivision of any square or lot,

fifty cents; for setting out and marking the boundary lines of any lot or piece of ground in said District, and the proper graduation thereof for building, agreeably to the plan of Washington or Georgetown, and for furnishing a certificate describing such boundary lines and graduation, and the number of square feet contained in each lot or piece of ground, the sum of two dollars; for setting out and marking the boundary lines of any lot or piece of ground, and giving a description certificate thereof, and of the number of square feet therein, the sum of one dollar; for designating the graduation of any square, lot, or piece of ground, and giving a certificate thereof, the sum of seventy-five cents; for recording each certificate, the sum of fifty cents; and for every copy of a square, with the dimensions of the lots marked thereon, fifty cents.

9. Whenever the proprietor of any tract or parcel of land in the District of Columbia shall desire or deem it necessary to subdivide or alter boundaries, or change the surveys of any such tract or parcel of land, such subdivision, alteration, or change shall be by the surveyor of the District of Columbia, or his assistant only, and shall be entered in the plat-book or books of said surveyor. All such subdivisions, alterations, or changes shall be certified by the surveyor, the party wishing said plat, and two competent witnesses, whose names shall be appended thereto.

10. All records, or copies thereof, of the divisions of squares and lots heretofore made between the public and the original proprietors, or which are authorized by this act, shall be kept in the office of the surveyor of the District of Columbia, and the surveyor shall put up, label, index, and preserve, and, when necessary for their preservation, have the same backed with cotton cloth, all the maps, charts, plats, plans, and other drawings and papers relating to the District of Columbia, or which appertain to his office, and which may come to his office for deposit, record, or otherwise.

11. It shall be the duty of the surveyor, authorized by the act, to ascertain and enter upon the books of graduation or alterations of graduations which have heretofore been made, and which it may hereafter be found necessary to make.

12. Whenever it shall be made to appear to the satisfaction of the governor that the surveyor has been guilty of culpable error or neglect, by which the government may be obliged to pay damages, then it shall be lawful for the governor to deduct and retain from the salary of the surveyor the amount of damages which the government may have paid in each and every case; and in case the salary then due to said surveyor should be insufficient to cover the damages which the government shall have paid, the governor is hereby required to institute suit upon bond, enacted by thirty-first section of this, for the recovery of such damages.

13. It shall also be the duty of the surveyor, on the request of the proprietor or proprietors of any square, lot, or piece of ground within the District of Columbia, to set out and mark the proper lines and graduations thereof, and furnish to him, her, or them, a certificate describing the dimensions, boundaries, and graduations of the same, according to the plan.

14. The surveyor shall keep his office in a room designated by the governor for the purpose, and shall not be engaged in the transaction of any business appertaining to any other office or appointment which may be held by him, and shall, in his said office, preserve and keep all such maps, charts, surveys, books, records, and papers relating to the said District of Columbia, or to any of the avenues, streets, alleys, public spaces, squares, lots, and buildings thereon, or any of them, as shall, for the purpose of being deposited in his office, come into his hands or

possession; and shall, in books provided, or to be provided for that purpose, keep a true record of every survey, certificate, or account which shall be made, issued, or prepared by him, and also shall preserve and keep in good order and repair, at his own expense, the instruments in his said office belonging to the government.

15. The surveyor shall enter in a book, to be kept for that purpose, a correct account of all fees which shall be received by him under or by virtue of this act, designating in every case the service performed, the sum received, the name or names of the person or persons paying it, and shall annually make a report of the amount of such fees to the legislative assembly, through the governor.

16. All papers, plats, and records of his office shall be deemed the property of the District of Columbia, and shall constitute a part of the public records; and in all cases of vacancy in the office, by resignation or otherwise, they shall be tranferred to his successor in office.

CHAPTER XII.—HARBOR-MASTER.

1. There shall be a harbor-master for, and a resident of, that part of the District of Columbia known as the city of Georgetown.

2. The said harbor-master shall, before entering on the duties of his office, take and subscribe an oath or affirmation before some proper officer faithfully and impartially to discharge the duties of his office, and shall give bond in the sum of four thousand dollars, with sufficient sureties, to be approved by the governor, conditioned for the faithful and impartial discharge of the duties of his office.

3. The said harbor-master is hereby required to superintend and enforce the execution of all laws of the District of Columbia enacted for the cleaning of docks and wharves of the port of Georgetown, for preventing nuisances at the wharves or in the docks aforesaid, and for regulating and stationing all ships or vessels in the stream of the river or at the wharves within the corporate limits of the said city of Georgetown.

4. It shall be his duty to remove from time to time ships and vessels, in order to accommodate and make room for others, or to admit the river craft to pass in and out of the docks, and to compel the masters and captains of ships and vessels to accommodate each other, so that ships and vessels arriving from sea shall for a reasonable time, not exceeding three days, be entitled to berths next to the wharves until they have landed their cargoes, and for that purpose such ships or vessels as are lading shall be removed and take in their cargoes over and across the decks of the ships or vessels lying nearest to the wharves.

5. It shall be the duty of the harbor-master to attend to the unloading and delivery of all ballast which may be discharged within the limits of Georgetown. He shall require that the same be brought on shore, and laid at some place where it will not obstruct navigation, nor be washed or roll into the channel of the river. And when ballast has been discharged according to his direction from any ship or vessel, he shall give to the commander thereof a certificate that his ballast has been duly unladen from on board his vessel.

6. Any commander of a ship or vessel who shall land or cast overboard any ballast otherwise than according to the direction of the harbor-master, and thus fail to receive the certificate, shall forfeit and pay

the sum of one hundred dollars, to be recovered as fines usually are under the laws of this District.

7. It shall be the duty of the harbor-master to receive and collect from the master, captain, owner, or consignee of each and every vessel arriving in the port of Georgetown a harbor-fee, the amount of which shall be in proportion to the registered tonnage of the vessel from which said fee is collected, as follows, viz: From vessels of less than fifty tons register, a harbor-fee of seventy-five cents; from vessels of not less than fifty nor more than one hundred and fifty tons register, a harbor-fee of one dollar and fifty cents; from vessels of more than one hundred and fifty and not more than three hundred tons register, a harbor-fee of two dollars and fifty cents; from all vessels of between three hundred tons and five hundred tons register, a harbor-fee of three dollars and fifty cents; and from all vessels of five hundred tons register and over, a harbor-fee of four dollars and fifty cents; and he shall also collect and receive from the commander of every ship or vessel from which ballast may be discharged a ballast-fee of one dollar and twenty-five cents: *Provided*, That the above harbor-fee shall not be collected from the same vessel for more than one voyage in any one month.

8. If any master or captain of any ship or vessel shall refuse or neglect to comply with the directions of the harbor-master in matters within the jurisdiction of his office, or any person whosoever shall obstruct or prevent the said harbor-master in the execution of his duties, such master or captain, or other person, shall, for each and every offense, severally forfeit and pay any sum not less than thirty dollars nor more than fifty dollars, to be recovered as other forfeitures are recovered by the laws of this District.

9. It shall be the duty of the harbor-master to keep a register of the denomination, name, burden, and master's name of each and every vessel coming within his control, as such, and the port to which she belongs, and from which she last came, which register he shall submit to the inspection of any applicant, and from which he shall make out and furnish to the register, within ten days after the expiration of each and every month, a report in which he shall also state precisely the amount received from each vessel as harbor-fee or ballast-fee, and the aggregate amount received; retaining one-fourth thereof as his own, shall deposit the remaining three-fourths with the treasurer of the District, who shall place the same to the credit of the harbor-fund, to be appropriated as this District may from time to time determine.

10. The harbor-master shall receive in compensation for his services, in addition to one-fourth the fees collected as provided in the seventh section of this chapter, a salary of one hundred dollars per annum, to be paid by the treasurer on the reception of his monthly report and charged to the harbor fund.

CHAPTER XIII.—INSPECTOR OF GAS-METERS.

1. There shall be an inspector and sealer of gas-meters, who shall be a suitable, experienced, and competent citizen of the District of Columbia, who is not a stockholder in or an employé of any gas company, who, before he enters upon the discharge of his duties, shall give bond, with security to the satisfaction of the governor, in the penal sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office, and take an oath or affirmation before some officer legally

qualified to administer the same, faithfully, diligently, and impartially to discharge the duties of his office.

2. It shall be the duty of said inspector and sealer of gas-meters, whenever required in writing, and on pre-payment of the fee hereinafter specified, to inspect, examine, test, prove, and ascertain the accuracy of registration of any and all gas-meters used or intended to be used for measuring or determining the quantity of carburetted hydrogen, or illuminating gas, consumed by any person or persons in this District; and when found to be, or made correct, within the meaning of this chapter, to seal, stamp, or mark all such meters, and each one of them, with some appropriate, distinct, and intelligible device.

3. The Washington Gas-Light Company shall keep near to its office a suitable and accurate "meter prover," or "testing gas-holder," for proving and testing the accuracy of registration of the gas-meters used in the District, and by which apparatus every gas-meter shall be proved and tested at the written request of any consumer of gas, and in his presence, if he desires it, upon the payment in advance to said inspector and sealer of the sum of one dollar for each and every meter removed from the premises, proved, tested, inspected, sealed, and replaced; and if any such meter, on being so tested, shall be found to register inaccurately, as defined by this section, to the injury of the consumer, the fee of one dollar shall be returned to the person applying for said inspection, and be paid to the inspector and sealer by the gas-light company as a remuneration for the removal, testing, correction, sealing and replacing of such meter. And every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than two per centum in favor of the company, or three per centum in favor of the consumer.

4. It shall not be lawful hereafter for any new meter to be furnished or put in use in this District which shall not have been previously proved to be correct and sealed as such by the inspector and sealer authorized by this chapter, except during such time as from any cause the office shall be vacant, or said inspector and sealer shall, after request made, refuse or neglect to prove and, if correct, seal the meters furnished at his office by the gas-light company for that purpose. And for said proving or sealing only the company shall pay to said officer the sum of fifty cents for each and every new meter so proved and sealed as aforesaid.

5. The inspector and sealer of gas-meters hereby authorized shall enter in a book, to be prepared by him for that purpose, the date of testing, number, size, name of manufacturer and registration of every meter proved and sealed, or condemned as aforesaid.

CHAPTER XIV.—GARBAGE-MASTERS.

1. There shall be fifteen garbage-masters, appointed by and removable at the pleasure of the board of health; two for each council district in that part of the District of Columbia known as the city of Washington, and one for each council district in Georgetown, each to be a resident of the district for which he may be appointed.

2. The garbage-masters shall receive a salary of nine hundred dollars per annum, each, and shall perform such duties as may be prescribed by the board of health, and shall, in the exercise of their functions, be subject to the rules and regulations provided for them by the board of health.

CHAPTER XV.—SCAVENGERS.

1. There shall be fifteen scavengers appointed by and removable at the pleasure of the board of health—two for each council district in that part of the District of Columbia known as the city of Washington, and one for the city of Georgetown, each to be a resident of the district for which he may be appointed.

2. It shall be the duty of the scavengers, each in his respective district, once in two months from the first day of April to the first day of October, and once in three months from the first day of October to the first day of April in every year, to clean out all privies, or whenever they become offensive or require cleaning, or within twenty-four hours after he shall at any time be required to perform that duty by the occupier of the premises; the box or other vessel containing the filth shall be well and sufficiently cleaned and replaced in the privy; and all such contents of privies shall be carried and deposited at such depot or depots as the board of health may designate; and each scavenger shall be entitled to receive at such depot such pay for his own interest, for every cart-load of such said contents there deposited, as the governor in his discretion may arrange; and the several scavengers shall be entitled to demand and receive from the proprietors or tenants in their respective districts, for cleaning their privies, the fees or compensation following, to wit: fifty cents for each box not exceeding three feet in length, eighteen inches in breadth, and eighteen inches in depth; and for each additional foot or part of a foot in length, twenty-five cents; and for all boxes of greater breadth or depth than that prescribed by this act the said scavengers shall be entitled to demand a compensation in the proportion that said increased dimensions bear to those prescribed herein. And the said scavengers shall be entitled to receive for every bucket or other vessel not exceeding eighteen inches in diameter cleaned by them, respectively, the sum of thirty-seven and one-half cents; and every bucket or other vessel exceeding eighteen inches in diameter shall be charged at the rate fixed for boxes.

3. Before it shall be obligatory upon any scavenger to clean a box or privy he shall be paid his fees in advance.

4. It shall be unlawful for any person whatever, except a scavenger duly appointed, to clean out any privy in the cities of Washington or Georgetown, for hire, or for any person to employ any other than a scavenger to clean out any privy for his or their use for hire. And any person offending against either of the provisions of this section shall forfeit and pay a fine of ten dollars for each offense: *Provided*, That nothing herein contained shall be so construed as to prohibit any person from cleansing his own privy, or causing the same to be cleansed by his servants or others under his authority; but any person who may cause his privy to be cleansed shall have the contents thereof deposited and buried, under the same restrictions as are provided by law.

5. It shall be incumbent (except when the board of health shall otherwise allow) on the owner of every house or premises on which a privy shall hereafter be erected to provide for the same a sufficient box, bucket, or vessel for the reception of filth; and for every month he or she shall neglect to provide the said box, bucket, or vessel for the same, after the erection of the said privy, such owner or owners shall incur a penalty of five dollars.

6. Any scavenger or scavengers who shall fail to comply with any of the requisites of law shall be fined not less than one dollar nor exceed-

qualified to administer the same, faithfully, diligently, and impartially to discharge the duties of his office.

2. It shall be the duty of said inspector and sealer of gas-meters, whenever required in writing, and on pre-payment of the fee hereinafter specified, to inspect, examine, test, prove, and ascertain the accuracy of registration of any and all gas-meters used or intended to be used for measuring or determining the quantity of carburetted hydrogen, or illuminating gas, consumed by any person or persons in this District; and when found to be, or made correct, within the meaning of this chapter, to seal, stamp, or mark all such meters, and each one of them, with some appropriate, distinct, and intelligible device.

3. The Washington Gas-Light Company shall keep near to its office a suitable and accurate "meter prover," or "testing gas-holder," for proving and testing the accuracy of registration of the gas-meters used in the District, and by which apparatus every gas-meter shall be proved and tested at the written request of any consumer of gas, and in his presence, if he desires it, upon the payment in advance to said inspector and sealer of the sum of one dollar for each and every meter removed from the premises, proved, tested, inspected, sealed, and replaced; and if any such meter, on being so tested, shall be found to register inaccurately, as defined by this section, to the injury of the consumer, the fee of one dollar shall be returned to the person applying for said inspection, and be paid to the inspector and sealer by the gas-light company as a remuneration for the removal, testing, correction, sealing and replacing of such meter. And every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than two per centum in favor of the company, or three per centum in favor of the consumer.

4. It shall not be lawful hereafter for any new meter to be furnished or put in use in this District which shall not have been previously proved to be correct and sealed as such by the inspector and sealer authorized by this chapter, except during such time as from any cause the office shall be vacant, or said inspector and sealer shall, after request made, refuse or neglect to prove and, if correct, seal the meters furnished at his office by the gas-light company for that purpose. And for said proving or sealing only the company shall pay to said officer the sum of fifty cents for each and every new meter so proved and sealed as aforesaid.

5. The inspector and sealer of gas-meters hereby authorized shall enter in a book, to be prepared by him for that purpose, the date of testing, number, size, name of manufacturer and registration of every meter proved and sealed, or condemned as aforesaid.

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2. The garbage-masters shall receive a salary of nine hundred dollars per annum, each, and shall perform such duties as may be prescribed by the board of health, and shall, in the exercise of their functions, be subject to the rules and regulations provided for them by the board of health.

CHAPTER XV.—SCAVENGERS.

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2. It shall be the duty of the scavengers, each in his respective district, once in two months from the first day of April to the first day of October, and once in three months from the first day of October to the first day of April in every year, to clean out all privies, or whenever they become offensive or require cleaning, or within twenty-four hours after he shall at any time be required to perform that duty by the occupier of the premises; the box or other vessel containing the filth shall be well and sufficiently cleaned and replaced in the privy; and all such contents of privies shall be carried and deposited at such depot or depots as the board of health may designate; and each scavenger shall be entitled to receive at such depot such pay for his own interest, for every cart-load of such said contents there deposited, as the governor in his discretion may arrange; and the several scavengers shall be entitled to demand and receive from the proprietors or tenants in their respective districts, for cleaning their privies, the fees or compensation following, to wit: fifty cents for each box not exceeding three feet in length, eighteen inches in breadth, and eighteen inches in depth; and for each additional foot or part of a foot in length, twenty-five cents; and for all boxes of greater breadth or depth than that prescribed by this act the said scavengers shall be entitled to demand a compensation in the proportion that said increased dimensions bear to those prescribed herein. And the said scavengers shall be entitled to receive for every bucket or other vessel not exceeding eighteen inches in diameter cleaned by them, respectively, the sum of thirty-seven and one-half cents; and every bucket or other vessel exceeding eighteen inches in diameter shall be charged at the rate fixed for boxes.

3. Before it shall be obligatory upon any scavenger to clean a box or privy he shall be paid his fees in advance.

4. It shall be unlawful for any person whatever, except a scavenger duly appointed, to clean out any privy in the cities of Washington or Georgetown, for hire, or for any person to employ any other than a scavenger to clean out any privy for his or their use for hire. And any person offending against either of the provisions of this section shall forfeit and pay a fine of ten dollars for each offense: *Provided*, That nothing herein contained shall be so construed as to prohibit any person from cleansing his own privy, or causing the same to be cleansed by his servants or others under his authority; but any person who may cause his privy to be cleansed shall have the contents thereof deposited and buried, under the same restrictions as are provided by law.

5. It shall be incumbent (except when the board of health shall otherwise allow) on the owner of every house or premises on which a privy shall hereafter be erected to provide for the same a sufficient box, bucket, or vessel for the reception of filth; and for every month he or she shall neglect to provide the said box, bucket, or vessel for the same, after the erection of the said privy, such owner or owners shall incur a penalty of five dollars.

6. Any scavenger or scavengers who shall fail to comply with any of the requisites of law shall be fined not less than one dollar nor exceed-

ing ten dollars for each and every offense, to be recovered and applied as are other fines for breaches of the laws of this District.

7. It shall be the duty of the board of health, upon complaint made or information given in writing of the offensiveness of any privy or privies within their respective wards, to cause the box or other vessel (and the seats and floors if necessary) of the said privy or privies to be thoroughly cleansed by the scavenger of the district in which the said privy or privies may be erected; and if there be no acting scavenger in the said district, to cause the same to be cleansed forthwith by some other person at the expense of the owner or occupier of the premises.

8. If the owner or occupier of the premises on which a privy or privies are erected shall refuse to permit the same to be cleansed when necessary, or shall refuse to have the same cleansed at the times designated by law, he or she shall be fined five dollars for every offense, to be recovered and applied in the same manner as other fines are arising from violations of the laws of this District.

9. And whenever it shall be made appear to the satisfaction of the board of health that any privy has become a nuisance, or cannot be kept clean without great difficulty, expense, and inconvenience, it shall be his duty to cause the same to be pulled down or removed, at his option and discretion.

10. It shall not be lawful for any scavenger, or any other person employed, to remove the contents of privies, offal, or any other offensive matter, or to send or take a cart or other vehicle used for that purpose through any of the improved parts of this District at an earlier hour than 11 o'clock p. m. or later than one hour before sun-rise at any season; and for each and every violation of this section the person offending shall be fined not less than ten dollars; to be recovered and disposed of as other fines: *Provided* That these provisions shall not be construed to conflict with the laws of the District relative to the removal of dead animals or other nuisances when their removal is made by proper authority of law.

11. It shall be unlawful for any scavenger or person acting as scavenger to deposit the contents of any privy within five hundred yards of any house or public road, or any street or avenue which shall have been opened or improved within the limits of the District nor within any portion of the cities of Washington or Georgetown, without the written permission of the board of health, under a penalty of ten dollars for every offense.

12. Any scavenger neglecting to clean a box or privy within forty-eight hours after receiving pay for so doing, shall be subject to a fine of not less than two dollars, nor exceeding five dollars, for each and every offense, to be recovered in the usual manner, and one-half of the fine to be given to the informant, and the other half shall be applied as other fines for the violation of the laws of this corporation are applied.

CHAPTER XVI.—SUPERINTENDENTS OF SWEEPS.

1. There shall be three superintendents of sweeps—two for, and residents of, that part of the District of Columbia known as the city of Washington, and one for, and a resident of, that part of said District known as the city of Georgetown.

2. Before any superintendent of chimney-sweeps enters upon the duties of his office he shall give bond, with two sureties, to be approved

by the governor, in the sum of five hundred dollars each, conditioned for the faithful performance of the duties imposed by this chapter or which may be imposed by any future acts of this District in relation to his office.

3. It shall be the duty of each of the said superintendents, once in every month from the first of November to the first of May, and once in every two months during the balance of the year, to visit every inhabited house within that part of the District for which he is appointed, and thoroughly sweep or scrape, or cause the same to be done, every chimney or flue thereof, or belonging in any manner thereto, in which fire shall, about the time of such visit, appear to have been used; and it shall be lawful for him to demand and receive from the occupier or tenant of such house for such service the sum of twenty cents for each story and for each and every flue or chimney so swept; and it shall moreover be the duty of said superintendents to visit all newly-built houses and houses to which new chimneys shall have been erected, and thoroughly scrape the flues thereof; for which service they may demand and receive from the owner or owners thereof the like fees as are allowed for the sweeping and scraping of chimneys of inhabited houses.

4. If either of the said superintendents shall neglect or refuse to perform any of the duties prescribed by the preceding section, he shall forfeit and pay for every such offense the sum of five dollars; and if, in consequence of any such neglect or refusal, the soot in any chimney shall take fire so as to blaze from the top thereof, such superintendent shall moreover forfeit and pay a fine of five dollars for each offense.

5. If the owner or occupier of any house in this District shall refuse to permit either of the superintendents to sweep or scrape any of his chimneys or flues, when legally required so to do, then it shall be the duty of the said superintendent to give a written or printed notice, two days previous, of his intention to sweep said chimneys or flues; and if the said owner or occupier still persist in such refusal, he, she, or they shall, for every such refusal, be fined the sum of five dollars; and if, in consequence of any such refusal, the soot in any chimney or flue shall take fire so as to blaze from the top thereof, such person or persons shall moreover forfeit and pay a fine of five dollars: *Provided, however*, That the provisions of this section shall not be enforced where it shall appear that any such refusal was made in consequence of the sickness or recent death of any person occupying such house.

6. If any soot in any chimney or flue which shall have been swept under the direction of either of the said superintendents shall, before his next regular visit, take fire so as to blaze from the top thereof, such superintendent shall forfeit and pay a fine of ten dollars; and if the occupier of any house in this District shall burn or permit to be burned in any chimney thereof any straw, hay, shavings, or other light combustible matter, with intent to set fire to the same, such occupier shall forfeit and pay a fine of five dollars for every such offense: *Provided*, That this penalty shall not be enforced when it shall appear that the chimneys or flues of such house are not of sufficient capacity to admit of their being entered for the purpose of sweeping by the person in the employ of the superintendent whose duty it shall be to sweep the same.

7. It may be lawful for either of the superintendents aforesaid to demand, sue for, and recover by legal process, from the owner or owners of any house in the occupancy of a tenant or tenants, the amount of his legal fees or compensation for cleaning or scraping the chimneys or flues of such house when the goods and chattels of such tenant or tenants shall be protected by a distraint for rent or other course of law

from being seized and sold for the payment of such fees or compensation, the said tenants having refused to pay the same; and in like case the owner or owners of houses shall be liable for the penalties imposed by this chapter upon the occupiers of houses.

8. It shall not be lawful for any person or persons, other than the superintendents of sweeps, or persons employed by them, to sweep chimneys in this District for hire or gain, under a penalty of twenty dollars for each offense.

The superintendents, or persons acting for them, shall not sweep or cause chimneys to be swept outside of their respective limits, under a penalty of three dollars for each offense.

The fines imposed by this chapter shall be collected and distributed as other fines of the District are.

CHAPTER XVII.—SUPERINTENDENT OF LAMPS AND LAMP-LIGHTERS.

1. There shall be one superintendent of lamps and one lamp-lighter for every eighty lamps for that part of the District of Columbia known as the city of Washington.

2. The board of public works are hereby vested with the control of the erection of the lamps of the District of Columbia.

3. The salary of the superintendent shall be nine hundred dollars per year, and of the lamp-lighters six hundred dollars per year.

4. It shall be the duty of the said superintendent to keep the lamps in good and serviceable condition, and to have them properly lighted and extinguished according to law, and also to keep the keys of the public meters, and from time to time inspect the said meters, and certify the quantity of gas consumed, and to perform such other services in connection with his office as may be required of him by act of the legislative assembly.

5. It shall be the duty of the lamp-lighters to light and extinguish the lamps, and to clean and keep them in good order, pursuant to the instructions of the superintendent.

6. It shall be unlawful for any person or persons to use any public lamps as a sign for business purposes, by painting thereon letters, or any other device, or by substituting for a street-lamp any other lamp upon a lamp-post, or by placing a transparency over or around any lamp, unless in cases where special permission shall have been granted by the governor in aid of any benevolent enterprise devoted exclusively to some charitable purpose; and any person or persons offending against this chapter shall be liable, upon conviction thereof, to a penalty of not less than five nor more than ten dollars for each and every such offense, the said fines to be collected and applied in the same manner as other fines are collected and applied.

CHAPTER XVIII.—PHYSICIANS TO THE POOR.

1. There shall be eleven physicians to the poor, one for each council district in the District of Columbia, to be residents respectively of the districts for which they may be appointed.

2. The physician for each council district, when called upon, shall attend the poor of his district, and prescribe such medicines as he considers

necessary for their relief, to be compounded at the store of the apothecary for the said council district; and the said physician shall give the said apothecary an order for furnishing the medicine, stating the name of the pauper to be relieved, or the head of the family, if intended for any other member thereof, the age, color, and nativity, and that he believes the person to be a pauper, entitled to the relief of the District of Columbia.

3. The said apothecary is not authorized to furnish any one with medicine at the expense of the District of Columbia unless he shall receive the written order from the physician, as prescribed in the preceding section.

4. Each of said physicians shall make a quarterly report, in detail, to the governor, stating the name, age, color, and nativity, and also the disease, of each pauper attended by him during the previous quarter.

5. Each of said physicians shall also use due diligence, and vaccinate, as far as possible, the poor of his district, and transmit to the board of health a detailed report thereof, monthly, giving the particulars, as required in the preceding section.

6. Each of said physicians shall receive an annual salary of six hundred dollars.

CHAPTER XIX.—APOTHECARIES FOR THE POOR.

1. There shall be eleven apothecaries—one for each council district in the District of Columbia, to be residents respectively of the district for which they may be appointed.

2. The governor, before appointing any apothecary to furnish medicine to the out-door poor, shall procure from the said apothecary a written agreement that he will, if appointed, furnish him, to be laid by him before the legislative assembly, a quarterly return, according to the following form:

Name of pauper.	Age.	Color.	Nativity.	Number of prescriptions.	Cost.

with the certificate attached that the physician for the particular council district has examined the account and found it correct; and no apothecary shall be paid by the District of Columbia for any medicines furnished until such quarterly reports are received by the governor.

3. The governor is authorized to cause to be decently buried any pauper dying within the limits of the district, whether the pauper has been a resident or non-resident, and who has left no property of any kind, and who has no family or kindred within said District, or whose family or kindred have not the means to bury such person: *Provided*, That there shall not be allowed for the expenses of any one buried a greater amount than six dollars.

4. It shall not be lawful for any person or persons to bring or cause to be brought into the limits of this District any person or persons destitute of the means of supporting themselves, or of laboring for their main-

tenance, or afflicted with disease, whereby they are likely to become chargeable to this District.

5. Any person or persons bringing or conveying, or causing to be brought or conveyed, into the limits of this District any such destitute, afflicted, or diseased person or persons as aforesaid, upon conviction thereof before a justice of the peace, shall forfeit and pay for each and every offense a sum not exceeding fifty dollars nor less than twenty-five dollars: *Provided always*, That the provisions of this act shall not be enforced against the commander of any merchant ship or vessel, or river or bay craft, entering the collection-district embracing the District of Columbia, who may land one or more of his hands or crew who may have become disabled by sickness or otherwise.

CHAPTER XX.—TRUSTEES OF THE POOR, AND OFFICERS CONNECTED WITH THE OFFICES OF GOVERNOR AND SECRETARY.

1. There shall be two trustees of poor for, and residents of, that part of the District of Columbia known as the city of Georgetown.

2. There shall be three trustees of the "Corcoran Charity," to be appointed from residents of that part of the District of Columbia known as the city of Georgetown.

3. There shall be a secretary to the governor of the District of Columbia;

A clerk to the governor of the District of Columbia;

A clerk to the secretary of the District of Columbia;

One messenger and one assistant messenger to the governor of the District of Columbia;

Four messengers for the offices of the government of the District of Columbia;

One day and one night watchman for care of offices of the government of the District of Columbia.

4. The officers named in this chapter shall be under the immediate control of the governor, and shall receive the following annual salaries respectively, namely: Secretary to the governor, two thousand dollars; clerk to the governor, twelve hundred dollars; clerk to the secretary of the District of Columbia, eighteen hundred dollars; the several messengers, each nine hundred dollars; day-watchmen and night-watchmen, each nine hundred dollars.

CHAPTER XXI.—COMMISSIONERS OF BURIAL-GROUNDS.

1. There shall be two commissioners of western burial-ground, one sexton of the western burial-ground, two commissioners of the eastern burial-ground, one sexton of the eastern burial-ground.

2. It shall be unlawful to locate any new burial-ground within the corporate limits of the cities of Washington or Georgetown, and it shall be the duty of the board of health to notify, in writing, any and every person attempting to locate new burial-grounds, or vaults, against the provisions of law, that he or they are so prohibited; and if, after notification as aforesaid, the person or persons shall persist therein, he or they shall pay a fine of twenty dollars for each and every day he or they may continue so to offend; the said fines to be collected and applied as other fines and penalties due to this District.

3. It shall be the duty of the board of health, in case any body or bodies has or have been interred in such prohibited burial-grounds, to notify and order the person or persons having charge of said grounds that he or they forthwith disinter and remove the said body or bodies, under a fine and penalty of twenty dollars for each and every day he or they shall neglect or refuse to obey said order; the fines to be collected and applied as other fines due this District.

4. The squares numbered on the map of the city of Washington one hundred and nine and one thousand and twenty-six, assigned on the twenty-eighth day of February, one thousand seven hundred and ninety-eight, by the commissioners of the city of Washington as public burial-grounds, by public advertisement, which squares have been laid out in sites for graves according to a plan deposited in the office of the register of the District of Columbia, are placed under the direction of commissioners of each burial-ground.

5. The commissioners, or their successors in office, from time to time, are authorized to dispose of the sites in said burial-grounds to the inhabitants of the District of Columbia, at the rate of not more than two dollars for each grave, in any number not exceeding six sites or graves, to one family or person applying therefor, and at their discretion may, by their written order to the sexton, grant permission for the interment of poor white persons, or persons of color, gratis; the fee for digging the grave to be in no case dispensed with.

6. The commissioners of the western burial-ground are authorized, whenever they shall deem it expedient, to lay off such portions of the twenty-foot alleys in said ground into grave-sites as they may deem proper, and apply the proceeds of the sales of such sites to the improvement of the grounds; but such alleys shall not be so reduced as to be of a less width than the other main alleys, and such additional sites shall be laid out in conformity to the present plan of subdividing the ground.

7. It shall be the duty of the commissioners to file in the register's office a plat showing all the additional sites so laid out by them; the consent of the present owners of the lots fronting on the alley running north and south, in front of which it is intended to lay out new lots, having been also previously obtained.

8. The purchase-money for sites or graves shall be paid to the commissioners, and, upon the payment being made, they shall issue their certificate to the purchaser, designating the number or numbers of the site or sites so purchased and paid for.

9. The commissioners, or their successors in office, shall apply the money arising from the sale of graves or sites in each of the aforesaid burial-grounds for the preservation, improvement, and repair of the fences and grounds; and to enable them to do so as occasion may require, the governor is hereby authorized to issue a warrant, countersigned by the register, upon the requisition in writing of the commissioners, or a majority of them, for such sum or sums arising out of the said sales as they may from time to time deem necessary to effect the aforesaid objects.

10. The commissioners shall be, and they are hereby, required to make a report in writing once every three months (commencing on the first day of January) to the governor, stating the whole number of sites sold, the amount of money received by them, the dates of certificates, showing the number of the site or sites sold, and the name of each purchaser; which report the governor shall cause to be recorded by the register of the city in a book to be kept for that purpose, and, on such report being

made, the commissioners shall deposit all money received by them for the sale of sites or graves in bank, to the credit of an account to be styled "eastern burial-ground account," or "western burial-ground account," as the case may be.

11. The governor shall appoint two suitable persons as sextons, one for each burial-ground, who, or their deputies, shall be the only persons authorized to dig graves in the burial-grounds to which they may be respectively attached; and they shall receive such compensation for the digging and filling up of graves as the commissioners shall establish: *Provided*, The compensation for digging and filling graves four feet long shall not exceed one dollar and fifty cents, and those of adults not more than three dollars each.

12. The sextons shall keep a regular and exact account of all interments by them made, with the numbers of the graves or sites in which they take place, and the names, age, and color of the persons interred, and make a return thereof through the commissioners to the register of the District once every three months, who shall file and record the same in his office. They shall dress the graves neatly, shall use due diligence to keep the grave-yards, fences, gates, and stiles from being injured, and shall show the place of interment of any person to those who may apply.

13. The sextons shall always, on application within a reasonable time, and the payment of his fees for digging, dig, or cause to be dug, such graves as may be required, under the penalty of ten dollars for each neglect or refusal.

14. It shall not be lawful for any person or persons, in or about any grave-yard or burial-place within the limits of this District, to engage in cursing, swearing, indecent or profane language, loud and boisterous conversation, yelling, hallooing, playing cards, casting dice, or gambling, drinking liquor, throwing stones or other missiles, shooting pistols or guns, or firing squibs or crackers, or burning gunpowder, defacing, removing, destroying, burning, or otherwise injure or disturb any fencing, railing, paling, tree, plant, flower, grave, tombstone, monument, foot or head board, or stone, or any building, shed, shop, or other property or thing belonging to or in any way attached to the said grave-yards or burial-places, or in any exposure of person, filthiness, or other disorderly or indecent conduct in or about the same, under a penalty of not less than three nor more than twenty dollars for each and every such offense.

15. Full power and authority is vested and reposed in the several sextons, commissioners, or other persons having charge, care, or superintendence of said grave-yards or burial-places, to arrest any person or persons guilty of any offense named in the eleventh section, and to convey or carry such person or persons before the police court of this District, to be dealt with according to the provisions of this chapter, and, if necessary, to summon such aid or assistance for that purpose as may be necessary; and any person refusing to render such aid or assistance shall forfeit and pay a fine of five dollars for each and every offense.

16. Full power and authority is hereby given to each of said sextons, commissioners, or other persons having charge, care, or superintendence of such grave-yards or burial-places, whenever, in their opinion, the same may be necessary to prevent any violation of the provisions of this chapter, to order and direct any person or persons to leave, go, and depart from out of the limits of said grave-yards or burial-places; and any person or persons who shall refuse to leave, go, and depart from the limits of any of said grave-yards or burial-places when thereto re-

quired as aforesaid, shall forfeit and pay a sum not exceeding five dollars for each and every such offense; and any person or persons who shall fail to pay, or secure to be paid, any fine or penalty recovered against him, her, or them, under this chapter, shall be committed to the work-house till the same be paid, or secured to be paid, but in no case for a period longer than thirty days.

TITLE VII.—OF THE ASYLUM, WORK-HOUSE, AND FIRE DEPARTMENT.

CHAPTER I.—WASHINGTON ASYLUM.

1. There shall be an intendant, three commissioners, a physician, and a resident student of the Washington Asylum.

2. The building or buildings which may be occupied for the accommodation of the poor, infirm, and diseased persons, vagrants, and disorderly persons of the city of Washington, shall be called "The Washington Asylum."

COMMISSIONERS OF, DUTIES, ETC.

3. The commissioners of the asylum shall jointly constitute a board, with power to frame rules for their government, and discharge such duties as may be imposed on them by law; they shall meet at the asylum at least once in each week during their continuance in office, and any two of them shall constitute a quorum to do business; and they are hereby empowered to draw on the governor for such sums of money, not exceeding the amount which may, from time to time, be appropriated by the legislative assembly, as may be necessary for the objects coming under their cognizance and embraced by law; and they are hereby further authorized and directed to provide for the relief, maintenance, and clothing of the poor, infirm, and diseased persons in the asylum, in such manner as to them, or a majority of them, may seem proper and not inconsistent with the provisions of this act, and may separately grant tickets of admission to the asylum; but no relief whatever shall be granted to any person capable of labor who shall refuse to labor when required, or afforded an opportunity to do so by the commissioners; and, in granting tickets of admission to the asylum, the commissioners shall carefully examine the case, and be satisfied of the necessity.

4. They shall prepare rules and regulations for the government of the asylum, and such rules and regulations, when prepared, shall have all the force of law, when not inconsistent with the laws of this District; copies of which rules and regulations shall be submitted by them to the legislative assembly directly after they are adopted; and, in preparing such rules and regulations, the commissioners are to confine themselves to the powers vested in them by this District, and to see that employment be provided for all persons in the asylum capable of any species of labor; and for this purpose they are hereby authorized to apply any part of the funds appropriated by this District for the asylum to purchase raw materials, machinery, tools, and implements.

5. The commissioners shall dispose of all articles made up, wove, spun, knit, picked, or otherwise prepared for sale at the asylum, and receive all moneys for such articles, as well as for articles made up, wove, spun, knit, picked, or otherwise prepared, of materials brought to the asylum to be so prepared; they shall render, quarter-yearly, to the register of the District, their accounts and vouchers for their receipts and expenditures; in which accounts shall be stated the partic-

ular sums received by them, the source from whence received, and the particular items of disbursement and receipt; and the said register shall audit, examine, and settle the said accounts and vouchers, and report the result thereof, showing the amount received and expended, to the legislative assembly, at their sessions next succeeding the date of such settlement.

6. The commissioners shall bind out, as apprentices, poor orphan children and the children of drunkards, paupers, and vagrants, under the regulations prescribed by law.

7. They shall appoint a secretary, whose duty it shall be to attend at the general or special meetings of the board, keep fair minutes of their transactions, and generally do and perform all such duties as may be enjoined by the commissioners, who shall receive, as compensation for his services, two hundred and fifty dollars per annum, payable monthly.

8. The commissioners shall appoint a matron, a gardener, and a wagoner, who shall severally perform such duties as may be assigned them, and shall receive such compensation for their services as the commissioners may deem just and proper.

9. The commissioners shall transmit annually, at least one month before the regular meeting of the legislative assembly, to the governor, an account of all their proceedings, including a detailed statement of the sale of all articles received, manufactured, or otherwise prepared at the asylum, and the money received therefor, as well as a general statement of the produce of the garden, farm, sale of hogs, poultry, light butter, &c., and every other article sold, and the amount received therefrom, and the governor shall lay the same before the legislative assembly.

10. They shall also set apart separate and distinct apartments for the reception of vagrants and persons committed for offenses against the laws of the District, and cause all such persons, committed as aforesaid, to be employed in some useful work, and shall provide for their support, and make such regulations for their confinement, safe-keeping, government, and employment, as shall accomplish these objects; and if they prove refractory, or neglect or refuse to perform the work assigned them, in good condition and in reasonable time, they may be subjected to such punishment as the board shall lawfully prescribe.

11. Each commissioner shall receive as a compensation for his services two hundred and fifty dollars per annum, payable monthly.

12. The governor shall have authority, under the regulations, to grant tickets of admission into the asylum; and the commissioners shall under no circumstances make any contract or agreement which may involve any expenditure not authorized by law, or which may exceed the amount already appropriated for such purpose.

INTENDANT-DUTIES, ETC.

13. The intendant of the asylum shall reside permanently at the asylum, and shall discharge all such duties as shall be imposed on him by law or by the commissioners; he shall not be engaged in any employment whatever, except such as the duties of his office may impose; and he shall, previous to entering upon the duties of his office, give bond to this District, with two competent securities, in the sum of two thousand dollars, conditioned for the faithful and vigilant performance of all such duties imposed on him; and also take and subscribe to the following oath or affirmation before some proper officer, which he shall deposit with the secretary of the District: "I, A B, do solemnly swear,

that I will perform the duties which may be assigned me by the laws of the District or regulations of the commissioners of the asylum, to the best of my ability; that I will not be engaged in any other employment or occupation during my term of office; and that each and every report which I may be required by law or regulations to make to the governor, or the legislative assembly, or the commissioners, shall be true in whole and in part, to the best of my knowledge: so help me God."

14. It shall be the duty of the intendant to take charge of the buildings and grounds, and to take charge of and account to the commissioners for all tools, implements, machinery, and other property belonging to the asylum; he shall report, monthly, to the commissioners, to be by them laid before the legislative assembly, a statement of the number of persons in the infirmary and workhouse, according to the following forms:

INFIRMARY, ETC.

By whose order, and name of person admitted.	Age.	Date of admission.	Ailment.	Nativity.	Non-resident.	Pensioners.	Colored.	Total.	Name and time of discharge.	Name, and time of death.

[With a general recapitulation, stating the number in the house at the last report, number discharged, deceased, and remaining.]

PENITENTIARY.

Magistrate, and name of person committed.	Age.	Number of days.	Date of commitment.	Name of officer.	Total.	Nativity.	Colored.	Non-resident.	Pensioners.	Total.	Allegation.	Name and time of discharge.	By whom.	Name and time of death.	Name and time of elopement.	Recommitment.

[With a general recapitulation, stating the number in the house at last report, number discharged, eloped, deceased, and remaining.]

15. He shall also report to the commissioners weekly, in writing, a detailed statement of the sale of every species of produce, of whatever kind or nature, raised or cultivated about the premises, that it may be his duty to dispose of by regulations to be made by the board, and to deposit the money in bank to the credit of the District, monthly, and transmit the certificate thereof to the register; and it is hereby made his special duty to suffer no labor to be performed, or produce of any kind whatever disposed of, without securing a just value or compensation to the District therefor, and to yield a ready compliance with all regulations which are herein provided, or may hereafter be made by the District or commissioners for the government of the institution; and he shall receive as a compensation for his services, in addition to suitable apartments for a residence, and necessary food for himself and family, together with fuel and lights, the sum of eight hundred dollars per annum, payable monthly, and no perquisite of any kind whatsoever shall attach to the office, directly or indirectly.

16. The intendant shall have, under the direction of the commissioners, the entire superintendence of the institution in all its departments, shall enforce all rules and regulations, and preserve strict order among the paupers and others in the house, and shall have full power to punish those persons (under the rules prescribed by the board) who do not conduct themselves in an orderly, sober, and decent manner; and no person in the establishment shall be punished except by him, or in his presence.

17. He shall, at every stated meeting of the board, submit an account of the admittances or discharges of all persons since the last stated meeting, designating those who may have died or eloped; he shall submit an account for the same period of his receipts and expenditures, and all bills which shall be incurred since the last stated meeting, and make out a list of such articles as are likely to be wanted previous to the next meeting of the board, and suggest, in writing, to the board, such alterations, improvements, or observations as he may conceive will have a tendency to promote the interest of the institution.

18. He shall see that all those under his care are decent and neat in their apparel, and that the nurses or other persons having charge of the sick or infirm treat them with all possible humanity and attention; he shall permit no one to be absent during the night unless permission be granted by the board; and he shall have all the lights and fires extinguished at the hour to be prescribed by the board, except such as shall be absolutely requisite, and those shall be left under proper care.

19. He, or some one appointed by him for the purpose, when he is unable to be present, shall attend to each meal, and see that those under his care assemble together in the order or classes fixed by the board; that they behave with decency and propriety toward each other.

20. He shall see that every person who dies in the asylum is decently interred, and that from the first day of March to the first day of November they be sent to the place of interment within thirty-six hours, and from the first day of November to the first day of March, within forty-eight hours after their decease; and he shall immediately cause the clothing of the deceased person to be cleansed, and, if necessary, repaired, and deposited in a place to be set apart for that purpose.

21. In the event of a stranger dying in the institution, all reasonable exertions shall be used to ascertain his home and his friends, and the circumstances of his decease shall be communicated to them.

22. The intendant shall examine all persons in the medical or surgical departments who, in his opinion, are capable of performing some useful labor, and if, on conferring with the physician, he should be satisfied

that such is their condition, he shall cause them to be so employed; and in case of neglect or refusal of any such person to obey his instructions, he shall report the fact to the board, in writing, at its next meeting.

23. He shall prevent, as much as possible, any impositions being practiced by the paupers in the house, and whenever he shall find one who, in his opinion, is capable of providing for him or herself, he shall report the name of such person to the board for their disposition.

24. On the admission of any person into the house, he shall cause him or her to be examined, for the purpose of ascertaining whether they possess any money or other valuables, and in case any such is found, he shall take the same in charge, and enter the particulars in a book to be kept for that purpose, and exhibit such book at every meeting of the board, for their action thereon.

25. He shall, in all cases, personally examine all persons who may be admitted into the house as early as practicable after their admission, and shall enter their names, place where born, last place of citizenship, residence, age, sex, and color, in a book provided for that purpose, and in which he shall also enter the time and manner of leaving the institution, and he shall perform such other general duties as are prescribed by this act, or may be required by the commissioners.

PHYSICIAN.

26. It shall be the duty of the physician to visit the asylum once every day, and oftener in case of necessity, and perform such duties as are usually required of a practitioner of medicine, surgery, &c.

RESIDENT STUDENT.

27. The resident student shall be a citizen of Washington, and shall have been a regular student under a respectable practitioner of medicine at least twelve months, and have attended one complete course of medical lectures, and who shall receive for his services his board, washing, and lodging; and all prescriptions or orders for medicine, tinctures, spirituous, vinous, or fermented liquors, made by the physician, shall be in writing, and directed to the resident student for compounding or preparation. The physician shall exercise a proper supervision over the resident student, and require from him a faithful and attentive performance of the duties assigned him. No surgical operation endangering the life, or loss of a limb of a patient, shall be performed in the asylum without the consent of the patient, nor then, until a consultation with one or more competent medical practitioners or surgeons, and their concurrence in the propriety of such operation shall be expressed, unless a case occur of an urgent nature, and in which delay might prove fatal, in the opinion of the physician or student, in which case a consultation may be dispensed with.

28. It shall be the duty of the resident student of medicine to take charge of all medicines and other articles appertaining to the dispensary and laboratory, and see that the same are kept in proper order and repair; and no instrument or apparatus belonging to the asylum shall be taken therefrom without the consent of the commissioners.

29. He shall, once in every quarter, or oftener if required, take an account of the medicines, &c., on hand, and present a copy of the same to the board.

30. He shall, previous to every meeting of the board, make out a list of medicines and other articles wanted, and when approved of by the

visiting physician, shall lay it before them; he shall attend to putting up the prescriptions of the physician in the house, and shall carefully preserve them and enter them in a book, with the name of the patient for whom prescribed; and, under the direction of the physician, he shall keep a record of the diseases, &c., of the patients; and he shall also register the receipts of all medicines purchased from time to time for the use of the institution, and make a report thereof whenever required by the board.

31. He shall not give, nor permit any other person to give, any medicines or tinctures to any nurse or pauper whatever, unless the same is ordered by the physician, except in extreme or urgent cases, and in such case the fact must be reported to the physician at his next visit.

32. He shall, from time to time, furnish, on the written orders of the physician, such quantities of spirituous, vinous, or fermented liquors, tinctures, or opium from the dispensary, as he may require, and the same shall be entered in a book kept for that purpose, and he shall perform such other duties as may be required by the physician; all keys of the dispensary and laboratory shall be kept exclusively by the resident student; and he shall always be in attendance, night and day, except when absent by permission of the physician or the regulations of the board of commissioners; and the said board may admit the attendance of such other students who may desire to attend the medical practice or operations in the hospital, under such regulations as they may deem advisable and proper.

33. No pauper shall leave the premises without the consent of the intendant, and paupers wishing to obtain leave of temporary absence must apply to the intendant, who, alone, under the regulations of the board, shall have power to grant it; and a pauper who shall obtain such leave, and does not return therefrom decent and sober, shall be punished at the discretion of the board, and for repetition of such offense shall be deprived of the privilege of going out on leave entirely; and should any disorderly pauper, after violating this rule, be discharged, or escape, and return again, he shall be punished, as though he had remained, unless the board otherwise order; as a general rule, the same individual shall not have leave more than once a month, except in cases where the pauper has not been reduced to poverty by vice, and is unable to work; when the board may grant entire liberty.

34. No person shall be admitted into the asylum if known to be under any kind of contagious or infectious disease, which, in the opinion of the physician attending the house, or, in the indispensable absence of the physician, the resident student, shall be deemed of dangerous consequence to the lives or health of the persons belonging thereto; and if, after admission, the physician shall declare the person so admitted to have such disorder, he or she shall be immediately removed therefrom to the place provided on the premises for such cases.

35. All paupers admitted into the house, who are capable of working, shall be employed for the benefit of the asylum, as well to inure them to labor as to contribute to their support, and no compensation or wages whatever shall be paid to any pauper for services rendered to the institution; and all paupers who are capable of working shall repair to the proper apartments or place on the ground allotted to them, where they shall work orderly, and at such business and as many hours as the commissioners shall direct; and if any pauper or paupers shall neglect to repair to their proper places for work, or shall wantonly waste or spoil any of the materials or tools used in their employment, or injure the furniture or any part of the buildings, or shall introduce any ardent spirits

or fermented liquor into the house, or make use of any such articles, (unless prescribed by the physician,) or disturb the house by clamor, quarreling, fighting, profane or abusive language, or shall not observe all proper personal cleanliness, or shall behave disrespectfully to the officers of the house, or any member of the board of commissioners, or any visitor, or act immorally or irregularly in any respect, they shall be punished at the discretion of the board of commissioners, or be proceeded against for the offense before a magistrate, and be dealt with according to law; and if any pauper or paupers pretend sickness, or lameness, to excuse themselves from labor, they shall be examined by the physician, and if it appear that such pauper or paupers have made false excuses, they shall be punished therefor, at the discretion of the board of commissioners.

36. If any person shall knowingly buy, receive in pawn, or secrete any of the clothes of the poor maintained in the asylum, or of any persons while under commitment thereto, or any goods, materials, implements, furniture, or any other property furnished by the board, or sent to be worked up or used in the asylum, or shall buy or receive any of the provisions provided for their use, or furnish any of the inmates of the house with spirituous or fermented liquors, every person so offending shall forfeit and pay twenty dollars, to be sued for, and applied as in other cases, for the use of the District, or be prosecuted according to law by the board.

37. No person or officer in this institution shall be permitted to keep any spirituous or fermented liquor in his room, or about the premises, (except in the dispensary, as medicine,) and no ardent spirits or malt liquors shall be given to any person except by written prescription of the physician, and no prescription shall extend beyond twenty-four hours; and all such prescriptions shall be transmitted to the board at their next stated meeting; and no person in the house not under medical treatment shall, at any time, receive spirituous or fermented liquors.

38. No public preaching or exhortation shall be permitted in any of the rooms of the hospital. But at the request of a patient, or by permission of the board or intendant, any clergyman or piously-disposed person may administer the consolations of religion in such a tone of voice as will not disturb the patients in the room.

39. Public worship shall be held every Sabbath, at least once during the day, at such hour or hours, and at such place, as the board may direct, and those who attend shall appear decent in their persons and apparel, and behave with decorum; and every violation of propriety shall be punished at the discretion of the board.

40. The institution shall not be visited by any persons whatever, except the governor, the members of the legislative assembly, or ministers of the gospel, without a written permit from the governor, a member of the board of commissioners, the physician, or intendant.

41. There shall be appointed by the president of the council of the legislative assembly three members of said board, and by the speaker of the house of delegates of the legislative assembly four members of said board, who shall jointly constitute a committee on the asylum, who shall annually make a report of the state and condition of the asylum, in all its branches, to the legislative assembly, previous to the fourth Monday in each year, visit said asylum, for the purpose of examination, at least every three months, and have free access to the books and papers of the board of commissioners and the intendant of the asylum at all times.

42. It is unlawful for the commissioners of the asylum, or either

or any of them, to be directly or indirectly interested or concerned in selling, supplying, or delivering any goods, wares, merchandise, or other articles intended to be used or consumed by the poor of this city, or within the asylum; and if any such commissioner shall be convicted he shall be fined in the sum of fifty dollars, to be recovered as other fines levied by this District, and he shall, moreover, be immediately dismissed from the office of commissioner of the asylum.

43. Whenever any person committed to the work-house shall, after being admonished, &c., continue refractory, it shall be lawful for the intendant of the asylum to affix to the leg of such delinquent a chain or chains and ball, and continue the same until he shall be satisfied that the offender has reformed, or until he is discharged from the institution.

44. If any person shall in any way contrive, or send any aid, assistance, or means, to or from any person, to enable him or her to escape from the asylum or work-house, they shall forfeit and pay a fine of ten dollars for every such offense; and if by any such aid any person held in custody actually escape, the person contriving or aiding such escape, shall, in addition to the fine mentioned, become liable for all the fine, allowances, or expenses justly chargeable to the person who shall have escaped, and to all losses and damages which shall accrue to the District or to the intendant in consequence thereof.

45. The intendant of the asylum is authorized to keep a horse at the expense of the District.

46. If any person or persons, not acting under authority from the commissioners, shall, directly or indirectly, convey, or attempt to convey, into the Washington asylum, any whisky, brandy, rum, gin, cider, porter, ale, beer, wine, laudanum, or any spirituous or intoxicating liquor or liquid of any description, he, she, or they, so conveying, or attempting to convey, directly or indirectly, into the asylum, such or any such forbidden liquors, shall be considered as guilty of a criminal offense against this District, and shall, upon conviction, be subject to be sentenced to the jail for a term not less than thirty nor exceeding ninety days.

47. The commissioners of the asylum are authorized, with the assistance and approbation of two justices of the peace, and they are hereby enjoined to put forth and bind out to respectable housekeepers, mechanics, or farmers, poor orphan children, and the child or children of any drunkard, vagrant, or pauper who appears to be bringing such child or children in ignorance, vice, sloth, and idleness, or who suffers them to be employed in begging, or holding horses for hire at public places; and the commissioners and justices of the peace, or a majority of them, shall put forth and bind out such poor child or children; if a male child, till he shall have arrived at the age of twenty-one years; and if a female, till she shall have arrived at the age of sixteen years; and furthermore, the said justices, in conjunction with the said commissioners, or a majority of them, amongst the common covenants in the indenture and indentures, made and agreed upon between the parties, shall always insert a clause requiring of such master or mistress to cause such child or children to be taught and instructed in such branches of education as may to them seem necessary and reasonable.

48. The said justices and commissioners, and their successors in office, are hereby appointed the guardians of all and every such poor child or children so put forth and bound out as aforesaid; to take care that the terms of the indenture or indentures, covenant and covenants, agreed upon between them and the master or mistress of every such

poor child, be performed and fulfilled, and that he, she, or they, be not abused or maltreated, which said justices and commissioners, or a majority of them, are hereby empowered and directed to inquire into the same, and to redress any such grievance or grievances, in such method as the law hath provided.

49. All moneys deposited in bank by the intendant, to the credit of the District, shall, upon the requisition of the commissioners upon the governor, be placed to the credit of the said commissioners, and drawn for by them.

50. On application by or on behalf of any person unable to maintain himself, or by or on behalf of the family of a person when he is unable to maintain it, such person or family shall be provided for or assisted by this District, if he or they have a legal settlement therein. A person shall not be deemed to have a legal settlement in this District unless he shall have resided therein for one year at one time, and shall not since that time have gained a legal settlement elsewhere.

51. When, on such application, the District refuses provision or assistance, the supreme court may direct the same to be rendered by the District.

52. If any person shall bring into and leave in this District any pauper who has not a legal settlement therein, knowing him to be a pauper, he shall forfeit a sum not exceeding one hundred dollars for any such offense.

CHAPTER II.—WORK-HOUSE.

1. All vagrants, idle and disorderly persons, persons of evil life and fame, persons who have no visible means of support, persons who are likely to become chargeable to the District as paupers, persons found begging or drunk in or about the streets, or loitering in or about tippling-houses, all suspicious persons who have no fixed place of residence or cannot give a good account of themselves, persons guilty of open profanity or grossly indecent language or behavior publicly in the streets, shall, on information made before the police court, upon the oath or affirmation of a credible citizen, be required to enter into security for their good behavior for the space of six calendar months, and to indemnify the District against any charge for their support; and in case of refusal or inability to give such security they shall be confined for a time not exceeding ninety days, unless such security shall be sooner given; and the same proceedings shall be had against such person or persons so offending for each and every offense.

2. All public prostitutes, and all such persons who lead a notoriously lewd or lascivious course of life, shall, on information as aforesaid, be required to give good security for their good behavior for the space of one year; and in case of their refusal or inability to give such security, such person or persons so offending shall be confined to labor for a term not exceeding ninety days for each and every offense.

3. Whenever hereafter any person shall be convicted before the police court of a violation of any law of this District, and shall be required by such law to give security for their good behavior or against their becoming chargeable to the District, and in default of security to be committed to labor, it shall be the duty of the judge of said court to take from the person so convicted, and such surety or sureties as the said judge shall approve, a recognizance in a penalty not exceeding

twenty dollars, conditioned to secure the District against a repetition of the offense of which the person so charged stands convicted; which recognizance shall be in substance as follows, viz:

District of Columbia, County of Washington:

You, A. B. and C. D., acknowledge yourselves to owe and be indebted to the District of Columbia, in the penal sum of ——— dollars, which you and each of you yield to be levied of your bodies, goods, and chattels, lands, and tenements, for the use of said District, on condition that if [here insert the name of the offender] shall not for the space of ——— repeat the offense with which he is charged, and shall in other respects conduct himself properly, then this recognizance to be null and void, otherwise to remain in full force and virtue in law.

Given under my hand this ——— day of ——— A. D. ———.

A. B., *Clerk of Police Court.*

4. Upon complaint to the said court of any officer or respectable citizen of any violation of the condition or conditions of the said recognizance during the period of its legal efficacy, a summons shall issue requiring the obligors in the said recognizance to appear before the court on some early day, to be named in the summons, to show cause, if any they have, why judgment should not be rendered and execution issued for the sums secured by such recognizance; in which summons shall also be inserted the particular breach or breaches complained of; and upon the day to which such notice shall be returned served the said court shall hear and determine the truth of such complaint.

5. When any person or persons shall be committed to labor for want of satisfactory security, it shall be the duty of the court before whom such person or persons shall be convicted to issue its mittimus for that purpose, in substance as follows:

District of Columbia, County of Washington:

To J. K., Deputy Marshal of the District of Columbia, and C. D., Intendant of the Washington Asylum, greeting:

Whereas A. B. stands convicted before the police court of the District of Columbia of being [here insert the offense,] and having been required to give satisfactory security in and for the sum of ——— dollars for his [or her] good behavior during the term of ——— months, for the abandonment of such idle and vicious course, and having failed to give such security; and whereas, in default of security as aforesaid, the law requires that he [or she] should be confined to labor in the penitentiary department of the Washington asylum for a term not exceeding ——— days: These are therefore, in the name of the District of Columbia, to command and require you, the said deputy marshal, to take and convey, without delay, the body of the said A. B. to the asylum aforesaid, and surrender it, together with this warrant, first having made your return thereon to the intendant of the said asylum. And you, the said intendant, are hereby required and authorized to take into your custody the body of the said A. B., and him safely keep, treat, and deal with, according to law and his sentence aforesaid, for the term of ——— days from and after the date hereof, unless sooner discharged by due course of law.

Given under my hand and seal this ——— day of ———.

G. H., *Judge of the Police Court.*

6. Whenever any person committed to the work-house in this District shall be received therein, it shall not be lawful to discharge such person before the expiration of the period for which he or she may have been committed, unless the warrant for his, or her, or their enlargement shall be issued by the judge who committed such convict, or, in case of his indisposition or absence from the city, by the governor; and in either case the said warrant of discharge shall be accompanied with the recognizance required by the third section of this chapter, executed by the security or securities who may be approved by the said judge; and upon the execution of the recognizance by the principal, the said warrant shall be esteemed in full force: *Provided, nevertheless*, That no person committed as aforesaid, and received in the said work-house, shall be discharged therefrom within six days after his reception unless he shall pay to the intendant of said institution the sum of three dollars; and if the party applying for such discharge shall fail or refuse to pay the fee aforesaid, he, she, or they shall not be discharged until he, she, or they shall remunerate or pay the institution the sum aforesaid in labor, at the rate of not exceeding fifty cents per day, in the discretion of said intendant, subject, however, to an appeal to the commissioners of the asylum for the time being.

7. Whenever any person committed to the work-house in this District is or shall continue refractory or disobedient, after being admonished to obedience, and the failure of such measures of coercion as have been or may be prescribed by the commissioners of the asylum, it shall or may be lawful for the intendant of the asylum to affix to the leg of such delinquent a chain or chains and ball, and continue the same thereon until he is satisfied of the reformation of said offender, or until he, she, or they shall be discharged from said institution.

8. If any person or persons shall give, contrive, or send any aid, assistance, or means to or for any person to enable him or her to escape from the said penitentiary or poor-house, such person or persons so giving, contriving, or sending, shall each forfeit and pay, for the use of the District, the sum of ten dollars for every such offense; and if by any such aid, assistance, or means, any person held in the custody of the said intendant shall actually make his or her escape, the person who has given, contrived, or sent such aid, assistance, or means, shall, in addition to the above forfeiture of ten dollars, become liable for the fees, allowances, or expenses which were justly chargeable to the person who shall thus have escaped, and to all losses and damages which shall accrue to this District or to the intendant in consequence thereof.

CHAPTER III.—FIRE-COMMISSIONERS AND OFFICERS OF THE FIRE-DEPARTMENT.

1. There shall be a board of fire-commissioners of the fire-department, to consist of seven persons, five to be residents of the city of Washington, one to be a resident of the city of Georgetown, and one to be appointed by the Secretary of the Interior, who shall represent the interests of the General Government, and be a resident of and act for the county of Washington also.

A chief engineer of the fire-department.

One assistant engineer of the fire-department.

A secretary and treasurer of the fire-department.

A superintendent and two operators of the fire-alarm telegraph.

2. The annual compensation of the officers named in the preceding section shall be as follows:

Each commissioner, two hundred dollars.

Chief engineer, fifteen hundred dollars.

Assistant engineer, twelve hundred dollars.

Secretary, one thousand dollars.

Superintendent of the fire-alarm telegraph, fifteen hundred dollars.

Each operator of the fire-alarm telegraph, twelve hundred dollars.

3. The board of fire-commissioners in and for the portions of said District known, respectively, as the city of Washington and the city of Georgetown, shall have power to appoint such number of persons as now are, or may hereafter be, prescribed by law for the fire-departments of their respective localities, who shall hold their places during good behavior, and who, upon trial, may be fined, suspended, or expelled: *Provided*, That the accused shall first have written notice of the charges against him, except, however, in cases of misconduct coming under the personal observation of one or more commissioners, when there may be an immediate suspension by said commissioner or commissioners, until charges can be presented to and determined by the board.

4. For each and every additional engine which shall hereafter be employed by the District of Columbia, there shall be one foreman, one engineer, one fireman, one hostler, and six privates.

5. The annual compensation of each foreman and each engineer shall be one thousand dollars; of each hostler and each tillerman, eight hundred dollars; of each private, seven hundred and twenty dollars.

6. The respective companies shall be located at such points as the board of commissioners shall designate.

DUTIES.

7. It shall be the duty of the board of fire-commissioners to prepare rules and regulations for the government of fire-companies, and the members thereof, and to furnish each member of the fire-department with a copy of said rules, and to have said rules posted conspicuously in the office of the department, and in and about the several engine-houses belonging to the department.

8. It shall be the duty of the chief engineer and members of the department, in case of fire, to immediately repair to the place of such fire, and take the proper measures that the several engines be placed in the most advantageous situations.

9. The chief engineer shall have the sole command, at fires, over all other officers and members of the department, and all other persons who may be present at fires, and shall take all the proper measures for the extinguishment of fires and further protection of property and the preservation of order; and it shall be the duty of said engineer to examine the condition of the engines and all other apparatus belonging to the department as often as necessary, or whenever the fire-commissioners may direct, and annually to report the same to the board of fire-commissioners; also to cause a full description of the same, together with the names of the officers and members, and the amount of property destroyed by fire, and the amount of insurance on the same, to be published in one of the daily papers published in the city of Washington; and whenever the apparatus or houses belonging to the department require repairs or alterations, he shall cause the same to be made, provided such repairs shall not, in any instance, exceed the sum of twenty

dollars; if it exceed that sum the assent for the same of a majority of the fire-commissioners must be obtained.

10. It shall be the duty of the chief engineer to receive and transmit to the said board of fire-commissioners all the returns of the officers, members, and fire-apparatus made by the respective companies, and all information that may be useful, specifying the time of admission and discharge of each member, together with his age, which he shall report in writing to said board of commissioners, who shall safely file such reports.

11. It shall be the duty of the assistant engineer to assist the chief engineer in the exercise of his duties, and in his absence he shall have the full power of the chief engineer.

12. It shall be the duty of the secretary to the board of fire-commissioners to act as clerk to the chief engineer.

13. It shall be the duty of the secretary to receive and weigh all grain and hay bought for the use of the department, and to give a receipt for the amount delivered, and to keep a record of the same.

14. The superintendent of the fire-alarm telegraph shall have control of the telegraph and its appurtenances, and keep the same at all times in good working condition; the operators shall be subject to his orders when in the line of their duty, and the whole be subject to such rules and regulations as may from time to time be made by the board of fire-commissioners.

15. The chief engineer and foreman of companies shall have full police powers while going to, while at, or returning from fires or alarms of fires.

16. It shall be the duty of each company, whenever there is an alarm of fire, to place a rope or ropes across each street or alley leading to the fire, thus inclosing all property endangered by the fire, and giving the firemen a better opportunity to extinguish fires and protect property: *Provided, however*, That the officer in charge shall have discretionary power to inclose parts of streets or alleys.

17. Whenever said ropes shall have been placed in their proper position, the officer in charge shall place all property within the inclosure in charge of the superintendent of police or his deputy in charge, whose duty it shall be to protect all property and deliver the same to the owners after the fire; to keep outside of the inclosure all persons who have not on the firemen's badge, except such persons as may have the consent of the chief engineer, the superintendent of police, or the officer in command.

18. It shall be unlawful for any person to give a false alarm of fire, or to interfere in any way with the signal-boxes of the fire-alarm telegraph by removing, breaking, cutting, injuring, or defacing the same, or to tamper or meddle with said boxes, or any part thereof, or to cut, injure, or remove any wire, bracket, pole, or insulator connected with the said telegraph or the police-telegraph; and any and every person who shall violate any of the provisions of this section shall, upon conviction thereof, pay a fine of not less than ten nor more than fifty dollars, to be enforced and recovered as other fines are enforced and recovered.

19. Any person or persons who shall knowingly raise or report any false alarm of fire in any church, theater, hall, or other public assemblage, or who shall aid, assist, procure, or incite any other person to do the same, shall be punished by a fine of not more than fifty dollars, nor less than five dollars.

20. Any person, not being at the time a member of the fire-department of the District of Columbia, who shall use for the purpose of deception the badge, uniform, or any part thereof, authorized to be used for

members of the department by the board of fire-commissioners, shall, upon conviction thereof, be fined not less than five nor more than twenty dollars.

21. Any person who shall injure, deface, or in any manner destroy any fire-apparatus belonging to the District of Columbia, or hinder or obstruct any such apparatus, or any member of any fire-company from freely passing along the streets, or in any manner hinder or prevent any fire-company or member or members thereof from operating at any fire, shall, upon conviction thereof, be fined not less than five nor more than fifty dollars.

ACCOUNTS.

22. All accounts against the board of commissioners of the fire-department shall be rendered in duplicate, and when found correct shall be approved by the said boards, respectively, and immediately after the close of each month a statement of all accounts received and approved, as aforesaid, shall be transmitted, with the duplicate accounts embraced in such statements, to the auditor of the District, who shall thereupon examine the same.

23. If approved by him, he shall file in his office one set of such accounts, and transmit to the comptroller a certified statement thereof; the other set he shall return, with his approval thereon, to the board of fire-commissioners.

24. Upon the receipt of said statement the comptroller shall, if, upon examination, satisfied of the correctness of the accounts, issue his warrant for the aggregate amounts thereof, payable to the order of the treasurer of the respective boards, which said warrant shall be countersigned by the auditor, and it shall be the duty of the treasurers of said boards to pay the moneys so received by them to the parties whose accounts have been approved by the auditor; and they shall not pay any account not approved and audited as herein provided.

25. Should any accounts transmitted to the auditor, as aforesaid, be not approved by him, he shall return one set thereof to the board in which they originated, with reasons for his disapproval indorsed thereon.

TITLE VIII.—OF PUBLIC-SCHOOL OFFICERS.

CHAPTER I.—SUPERINTENDENTS, TREASURERS, AND SECRETARIES OF PUBLIC SCHOOLS.

1. There shall be three superintendents of public schools: one for that part of the District of Columbia known as the city of Washington, who shall be a resident of the city of Washington, and who shall receive an annual compensation of two thousand dollars; one for that part of the District of Columbia known as the city of Georgetown, who shall be a resident of the city of Georgetown, and who shall receive an annual compensation of one thousand dollars; one for that part of the District of Columbia known as the county of Washington, who shall be a resident of the county, and who shall receive an annual compensation of one thousand dollars.

2. It shall be the duty of each of the superintendents of public schools to carry into execution the rules and regulations of the board of trustees of public schools for that part of the District of Columbia to which he is appointed, to visit each school as often as his other duties will permit, that he may obtain, as far as practicable, a personal knowledge of the condition of all the schools under his supervision, and be able to suggest improvements and remedy defects in their management, to pay particular attention to the classification of pupils in the several schools of each district, and assist the board of trustees in establishing a uniform system of instruction; to direct all matters relating to the government and course of instruction, books, studies, discipline, and conduct of such schools, and the condition of the school-houses and of the schools generally, and to advise and consult with the trustees in relation to the proper studies, discipline, and the books of instruction to be used therein; and to make a monthly report to the trustees, stating how often and which of the schools have been visited by him, adding such comments in respect to the matters above specified as he may consider necessary and advisable; to advise the teachers as to the best method of instruction and discipline, and shall carefully observe the manner in which they conduct their schools; and whenever he shall find any teacher deficient or incompetent, he shall report the same to the sub-board of that district.

3. He shall have, under the rule established by the trustees, the general superintendence of all the schools under the control of the board of trustees, devote his whole time and energy to the duties of his office, and keep himself acquainted with the progress of the public-school system in other places, that he may be able to suggest appropriate means for the advancement of the public schools.

4. He may attend any of the meetings of the board of trustees, and speak on all questions, and shall be entitled to vote on all questions coming before the board.

5. There shall be two treasurers and secretaries of public schools, one to be a resident of, and to perform the duties of said office for, that part of the District of Columbia known as the city of Georgetown, and the other to be a resident of, and to perform the duties of said office for,

that part of said District known as the county of Washington, whose annual compensation shall be five hundred dollars each.

6. They shall give bond in the sum of five thousand dollars each for the faithful performance of the duties of their office, which bonds shall be subject to the approval of their respective boards of trustees.

7. It shall be their duty to attend the meetings of their respective boards of trustees, and to keep a journal of all their proceedings, but they shall have no vote in said boards.

8. It shall be their duty to make the disbursements for the public schools under the control of their respective boards of trustees, and to keep the accounts and vouchers thereof.

9. They shall perform such other duties as the rules of their respective boards of trustees and the nature of their offices may require.

10. There shall be a treasurer of public schools for, and a resident of, that part of the District of Columbia known as the city of Washington, whose annual compensation shall be eight hundred dollars.

11. He shall give bond in the sum of ten thousand dollars for the faithful performance of the duties of his office; which bond shall be subject to the approval of the board of trustees of public schools for the city of Washington.

12. It shall be his duty to make the disbursements for the public schools of the city of Washington, and to keep the accounts and vouchers thereof, and to attend the meetings of the board of trustees, but he shall have no vote in said board.

13. There shall be a secretary of public schools for, and a resident of, that part of the District of Columbia known as the city of Washington, whose annual compensation shall be two hundred dollars.

14. It shall be his duty to attend the meetings of the board of trustees and keep a journal of their proceedings, but he shall have no vote in said board.

15. He shall perform such other duties as the rules of the board of trustees and the nature of the office may require.

CHAPTER II.—BOARDS OF TRUSTEES OF PUBLIC SCHOOLS.

1. There shall be three boards of trustees of public schools, one for that part of the District of Columbia known as the city of Washington, to consist of five persons for each school district in said city, and residents of said school districts; one for that part of said District of Columbia known as the city of Georgetown, to consist of two persons from each council district in said city, and residents of said district; and one for that part of said District of Columbia known as the county of Washington, to consist of seven persons, residents of said county; and the members of said boards of trustees shall receive no compensation for their services as such.

2. The boards of trustees, with the superintendents, shall have the control and management of the public schools in the respective portions of the District of Columbia for which they may be appointed.

3. They shall assemble on the first Monday after their appointment, or at some early day thereafter, (of which due notice shall be given by the superintendent,) and shall organize.

4. The absence of a trustee from three successive meetings of the board, except in case of sickness or absence from the District, shall

vacate his seat as a member, and the secretary shall notify the governor, who shall fill the vacancy.

DUTIES AND POWERS.

5. They shall appoint all teachers authorized by law, and change them at pleasure; prescribe course of studies and books to be used, but no books shall be changed unless by a vote of two-thirds of the board, and the books in all the schools of the several districts shall be uniform; make and execute such by-laws and rules and regulations for the management of the schools as they may deem necessary and proper, a copy of which shall occupy a conspicuous place in each school; and alter, amend, or abrogate them at pleasure; and do all business pertaining to the schools, agreeably to their by-laws and regulations, and subject to the laws of the District.

6. They shall cause an annual examination of all the public schools to be held in or before the month of July, and shall make a written report to the legislative assembly annually, on or about the first Monday of its regular session, giving a full account of their proceedings for the past year, the condition of the several schools, the number of pupils of each sex, with the studies pursued, and make whatever suggestions from time to time they may conceive proper for the better accomplishment of the objects of this chapter, and give such other information as the two boards, or either of them, may at any time call for.

7. It shall not be lawful for the trustees to expend, without the authority of an act of the legislative assembly, more than fifty dollars for improvement upon any one school-house.

8. It shall be their duty, in conjunction with the superintendent, to establish a teachers' institute, to meet semi-annually.

SUB-BOARDS.

9. The boards shall divide themselves into as many sub-boards as there may be school-districts, for the exercise of a practical supervision over the schools placed under their jurisdiction, severally subject to the control of the board. The sub-boards shall meet at least once a month, at the respective school-houses, on a day to be appointed by themselves.

ESTIMATES AND APPROPRIATIONS.

10. The trustees shall annually furnish to the legislative assembly estimates of the amounts that may be necessary for the payment of teachers, for purchase of books and stationery, and for all other contingent and necessary expenses; and it shall be the duty of the legislative assembly to make provision by law for the payment of all such salaries and necessary expenses out of the school-fund, and when that shall be insufficient, out of the general fund; and all such appropriations shall be subject to the order of trustees, as required to be properly disbursed, for which receipts shall be taken and returned to the register for settlement.

ACCOUNTS.

11. All accounts against the board of trustees of public schools shall be rendered in duplicate, and when found correct shall be approved by the said boards, respectively; and immediately after the close of each month a statement of all accounts received and approved, as aforesaid, shall

be transmitted, with the duplicate accounts embraced in such statements, to the auditor of the District, who shall thereupon examine the same.

12. If approved by him, he shall file in his office one set of such accounts, and transmit to the comptroller a certified statement thereof; the other set he shall return, with his approval thereon, to the respective boards of trustees of public schools.

13. Upon the receipt of said statement, the comptroller shall, if, upon examination, satisfied of the correctness of the accounts, issue his warrant for the aggregate amounts thereof, payable to the order of the treasurer of the respective boards, which said warrant shall be countersigned by the auditor, and it shall be the duty of the treasurers of said boards to pay the moneys so received by them to the parties whose accounts have been approved by the auditor; and they shall not pay any account not approved and audited as herein provided.

14. Should any accounts transmitted to the auditor, as aforesaid, be not approved by him, he shall return one set thereof to the board in which they originated, with reasons for his disapproval indorsed thereon.

TITLE IX.—OF THE REGULATION OF TRADE IN CERTAIN CASES.

CHAPTER I.—OF LICENSES.

1. No person shall be engaged in any trade, business, or profession hereinafter mentioned until he shall have obtained a license therefor, as hereinafter provided.

2. Every person engaged in any trade, occupation, or profession for which a license tax is imposed by the laws of the District of Columbia, shall, at the time for procuring the same, make application to the register, and shall state, under oath or affirmation, such facts as may be applicable to licenses, as apothecaries, commercial agents, bankers, banks, bar-rooms, sample-rooms, and tippling-houses; billiard, bagatelle, and Jenny Lind tables; bowling-alleys, brokers, dealers in merchandise, distilled and fermented liquors, wines, and cordials; hacks, carriages, cabs, omnibuses, and street-cars; hotels, fire and life insurance companies; livery-stables, manufacturers, peddlers, resident or otherwise. The register shall then issue to the applicant a certificate stating the particular kind of license for which application has been made, and the amount of money required by law to be paid therefor. Said certificate shall be delivered to the collector, who shall, upon the receipt of the sum of money stated therein, give a certificate of deposit, stating the amount of money paid and the kind of license required, and it shall be the duty of the register to issue said license.

3. Every license shall state the name of the person to whom granted, and the number of the house and street where it is desired to carry on such business or occupation, when such business or occupation has an established location, and the kind of business for which it is required, and shall be signed by the register, and impressed with the seal of his office.

4. Licenses may be transferred to persons to continue the same business in the same house, or to remove a place of business, under the same regulations as the original license, but all transfers shall be certified by the register.

5. All licenses for produce-brokers, peddlers, and commercial agents shall date from the first of April of each year, and expire on the thirty-first of March following. All licenses for carts, wagons, and drays, and for hacks, carriages, cabs, omnibuses, and street-cars shall date from the first of July of each year, and expire on the thirtieth of June following; and all other annual licenses shall date from the first of November of each year, and expire on the thirty-first of October following. And the license of every person liable for license tax after the first of April, July, and November, aforesaid, shall date from the first of the month in which the liability began, and payment shall be made for a proportionate amount.

6. Every person liable for license tax, who may fail to pay the same before engaging in the business for which the license may be required, shall, in addition to the license tax imposed, pay a fine or penalty of not less than five nor more than fifty dollars for each offense, to be im-

posed and collected as provided in this act. Commercial agents, managers of theatrical performances, exhibitions, and concerts for gain, (not including exhibitions and concerts given by or for the benefit of religious or charitable institutions or societies,) beer-gardens, circuses, gift-enterprises, and race-courses, one-half to the use of the informer.

7. In every case where more than one of the pursuits or occupations hereinafter described shall be pursued or carried on in the same place, by the same person, at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

8. Except in the case of commercial agents, peddlers, and insurance agents, licenses granted by the District of Columbia shall only be good for the conducting of business at the location named therein.

9. If any person, resident or non-resident of the District of Columbia, who may have obtained license to sell merchandise, shall permit any commercial dealer or agent, without license as such, to sell under his license or to occupy any portion of his premises for the purpose of offering for sale merchandise under his license, the person so offending shall be fined not less than one hundred dollars for each offense, to be imposed and collected as other fines.

10. No license shall be required of any person bringing to the city wood, lumber, building-materials, or produce of any kind, to be sold by the car, cargo, or wagon-load, or to persons bringing marketing to the District, or to regular dealers whose residence may be beyond the limits of said District.

11. The keeper of every livery-stable, wood, coal, or lumber yard, shall, before engaging in such business, obtain the consent in writing of a majority of the persons owning real estate, and a majority of the residents keeping house on the same side of the square on which is the principal front of the stable or yard about to be built or kept, and the side of the square fronting immediately opposite, for him to enter upon and engage in such business, the register to determine which is the principal front; and without such permit being first obtained, it shall be unlawful to grant such license.

12. Every place where distilled or fermented liquors are sold in less quantity than one pint, to be drank on the premises, shall, unless kept by apothecaries, be known as a bar-room, sample-room, or tippling-house, as the case may be; and it shall be the duty of the proprietor of every such place to present, with his application for license, the written permission of a majority of the owners of real estate, and a majority of the residents keeping house on the same side of the square where it is desired to locate such business, and of the same side of the square fronting opposite the same, which permission shall be certified to by the assessor of the district in which such business is to be located, and such license shall not be issued until approved by the board of metropolitan police: *Provided*, That the failure of any keeper of a hotel, eating-house, tavern, or restaurant to obtain license to sell distilled or fermented liquors in quantity less than one pint, shall not otherwise affect said business of keeping a hotel, eating-house, tavern, or restaurant, he having a license for the same.

13. Any person selling distilled or fermented liquors or wines in mineral or soda water, or other like beverage, shall be liable for the same license and under the same restrictions as provided in the preceding section.

14. Every apothecary having a license as such shall be allowed to sell distilled, fermented, or vinous liquors, for medical purposes only, in quantity not to exceed one-half pint at one time to the same purchaser,

without the taking of an additional license therefor. In addition to other regulations governing the granting of licenses to apothecaries, which may be imposed by law, regulating the sale of medicines and poisons, apothecaries shall include in their affidavits, at the time of making application for license, the words: "And will not sell, or cause to be sold, any distilled, fermented, or vinous liquors, except alcohol, in quantities exceeding half a pint at any one time to the same purchaser, and then only when deponent has reason to believe the same will be used for medical purposes."

15. Nothing contained in this act shall authorize any person to keep his place of business open on Sunday for the sale of any merchandise whatever, except medicines in cases of necessity.

16. Every undertaker selling coffins, caskets, or burial-cases, not of his own manufacture, shall be liable for license as a dealer.

17. No person whatever shall sell, or expose for sale, at auction, any property, real or personal, within the District of Columbia, without having first obtained a license as auctioneer. Every person who may offer to sell at auction any property or merchandise, without license, shall be fined not less than one hundred dollars for each offense. Every licensed auctioneer, and every real estate agent, shall give bond to the secretary of the District of Columbia in the sum of five thousand dollars, with two good and sufficient sureties, to be approved by the governor, for the honest and due performance of all duties required by law. Every auctioneer and real estate agent failing to comply with the provisions of this section, or the laws of the District of Columbia governing such sales, shall, on conviction, forfeit his license and be fined not less than one hundred dollars.

18. Wherever in this chapter a license tax is levied on capital invested, it shall be taken to mean the average capital invested, cash and credit, during the preceding year; or, if the business is just begun, the actual capital at the time.

19. Wherever in this chapter a tax is imposed semi-annually on sales or receipts, returns for the same shall be made to the register, under oath or affirmation, on or before the tenth of January and July of each year, and the same shall be due and payable to the collector on or before the thirtieth of said months, and all such taxes remaining unpaid after the thirtieth of said month, a penalty of five per centum shall be added, and it shall be the duty of the register to make demand for the payment of the same. For this purpose said register is hereby authorized to employ some suitable person, who shall be entitled to a commission of ten per centum on the amount collected; and if unpaid for three months after the same has become due and payable, the register shall transmit the account for the same to the attorney of the District of Columbia, for collection by due process of law. If, in the opinion of the register, the returns required by law are underestimated, he shall have power to examine, either in person or by deputy, the books and accounts of the person making such returns; and if he shall find that the returns made are less in amount than that shown by said books and accounts, he shall make an assessment for a correct sum, to which he shall add a penalty of twenty-five per centum on amount of tax due.

20. All carts, wagons, and drays licensed by the District of Columbia, shall, at the time of receiving the license, be furnished with a number of the same, legibly painted on tin or some other suitable material, with the letters "D. C." and the year, which the owner or agent shall attach to said cart, wagon, or dray, in some conspicuous place; and in like manner a number shall be furnished, painted on tin or some other ma-

terial, in the form of a badge, which shall be worn conspicuously on the person of the driver of each hack, carriage, cab, or other licensed vehicle for the transportation of passengers for hire, except street-cars, when in service; and any person offending against this section shall be fined not less than five dollars for each offense.

21. It shall be the duty of the register to keep, in books prepared for the purpose, a list of the names of all persons obtaining licenses for carts, wagons, and drays, and for hacks, carriages, and cabs, and other vehicles for the transportation of passengers, numbered to correspond with the number of the license.

22. Every agent for life or fire insurance companies, whose principal office is beyond the limits of the District of Columbia, shall obtain a separate license for each company he may be agent for: *Provided*, That licensed insurance agents may employ solicitors of insurance without the payment of an additional license.

23. A license tax shall be, and hereby is, imposed as follows, that is to say:

First. Apothecaries shall pay annually four dollars on each thousand dollars or fractional part thereof of capital invested. Every person whose business it is to manufacture, compound, and dispense medicines shall be regarded as an apothecary; but apothecaries shall not be liable for an additional license for selling other merchandise, or for the sale of alcohol in any quantity, or for the sale of distilled or fermented liquors or wines, for medical purposes, in quantities not exceeding half a pint at one time to the same purchaser.

Second. Auctioneers shall pay one hundred dollars annually and a semi-annual tax on gross receipts of one-fourth of one per centum, except sales made by order or decree of any court; and the rates of charges on the sale of real estate at public auction shall be five per cent. on the first two hundred dollars, two per cent. on the next one thousand dollars, and one per cent. on all amounts in excess of that sum.

Third. Commercial agents shall pay two hundred dollars annually. Every person whose business it is, as agent, to offer for sale goods, wares, or merchandise by sample, catalogue, or otherwise, shall be regarded as a commercial agent.

Fourth. Banks and bankers shall pay annually fifty cents on each thousand dollars of capital invested. Every incorporated or other bank, and every person having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or banker: *Provided*, That savings banks having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same, shall pay semi-annually a tax of one-fortieth ($\frac{1}{40}$) of one per centum on the amount of deposits received during the previous six months; but associations or companies known as provident institutions, savings banks, savings funds, or savings institutions, having no capital stock, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit to the association or company, shall pay annually fifty dollars.

Fifth. Bill-posters shall pay twenty dollars annually. Every person whose business it is to post advertising bills or distribute circulars shall be regarded as a bill-poster: *Provided*, That no license shall be required

of any dealer who may post or distribute advertisements of his own business.

Sixth. The proprietors of bar-rooms, sample-rooms, and tippling-houses shall pay one hundred dollars annually. Every place, except an apothecary store, where distilled or fermented liquors, wines, or cordials are sold in less quantities than one pint at a time to the same purchaser, shall be regarded as a bar-room, sample-room, or tippling-house.

Seventh. The proprietors of beer-gardens shall pay five dollars per day. Every place known as a pleasure-garden, or park, where an admission-fee is charged, shall be known as a beer-garden. But no tax shall be required for days when no admission-fee is charged to such garden: *Provided*, That a license as beer-garden shall not authorize the sale of distilled or fermented liquors, wines, or cordials.

Eighth. The proprietors of billiard-tables, bagatelle, Jenny Lind tables, for public hire or gain, and shuffle-boards, shall pay ten dollars annually for each table or board.

Ninth. The proprietors of bowling-alleys shall pay annually for each alley ten dollars.

Tenth. Brewers shall pay twenty-five dollars annually. Every person who manufactures fermented liquors of any name or description for sale from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer: *Provided*, That a license as brewer shall not authorize the sale of fermented liquors in quantities of less than one pint.

Eleventh. Brokers shall pay annually one hundred dollars. Every person whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coin, money, bank notes, promissory notes, or other securities, for himself or others, shall be regarded as a broker: *Provided*, That any person having paid a license tax as banker shall not be required to pay a license tax as broker.

Twelfth. Commission merchants shall pay forty dollars annually. Every person except commercial agents, whose business it is, as agent for others, to negotiate sales or purchases of goods, wares, or merchandise of any kind whatever, or to negotiate freights for owners of ships or vessels, or for the shipper or consignee or consignees of freight carried by ships or vessels, shall be regarded as a commission merchant, or to make sales for or to aid any commercial agent or dealer by sample, who has not taken out a license in accordance with this act: *Provided, however*, That license as commission merchants shall not be construed to grant the right to buy and sell goods as dealers, or to allow said merchant, his agent or employé, to buy and sell goods as dealers, or to allow said merchant, his agent or employé, to solicit orders or offer for sale merchandise of any kind whatever, by sample or catalogue, outside of the office or store of said commission merchant.

Thirteenth. Cattle-brokers shall pay twenty dollars annually. Every person whose business it is to buy and sell, for himself or another, cattle, sheep, hogs, or horses, shall be regarded as a cattle broker.

Fourteenth. Pawnbrokers shall pay annually two hundred and fifty dollars. Every person whose business it is to take or receive, by way of pledge, pawn, or exchange, any merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon, shall be regarded as a pawnbroker.

Fifteenth. Butchers shall pay annually a rental—in northern market, fifty dollars; western market, twenty dollars; eastern market, twenty dollars; Georgetown, twenty dollars, each. Every person whose business it is to sell meat from market-stalls shall be regarded as a butcher: *Provided*, That the rental herein imposed may be revoked at any time

by refunding to the party holding it the amount corresponding to the unexpired portion of the time it is to run, and shall not operate to prevent the District of Columbia at any time disposing of the stand or stall occupied by such party.

Sixteenth. Carts, wagons, and drays shall pay annually as follows: Wagons, five dollars; carts, two and a half dollars; drays, two and a half dollars; hand-carts, two dollars: *Provided*, That no license shall be required for light wagons kept exclusively for pleasure; nor for carts and wagons used exclusively on a farm or garden, or for bringing farm or garden produce to market.

Seventeenth. The managers of concerts, exhibitions, and balls for gain, not otherwise enumerated, or games of any kind, where an admission-fee is charged, shall pay for each day five dollars: *Provided*, That no license shall be required for exhibitions by or for religious or charitable institutions whenever the governor shall authorize the same to be held without license.

Eighteenth. Circuses shall pay two hundred dollars for each week or part thereof. Every building, tent, space, area, where feats of horsemanship or acrobatic sports, or theatrical performances pertaining to or being a part thereof, are exhibited, shall be regarded as a circus. Exhibitors of wild animals shall pay twenty-five dollars per week: *Provided*, That proprietors of circuses, having license as such, shall not be taxed for license for exhibiting wild animals.

Nineteenth. Distillers shall pay fifty dollars. Every person who distills or manufactures spirits shall be deemed a distiller.

Twentieth. Dealers in merchandise of any kind whatever, not otherwise provided for, shall pay annually four dollars of each thousand dollars, or fractional part thereof, of capital invested in business: *Provided*, That no license shall be for a less sum than five dollars.

Twenty-first. Dealers in distilled and fermented liquors, wines, and cordials shall pay annually ten dollars for each thousand dollars of capital invested: *Provided*, That no license shall be for a less sum than twenty-five dollars: *And provided further*, That this license shall not authorize any persons to sell any distilled or fermented liquors, wines, or cordials in less quantities than one pint.

Twenty-second. Produce-dealers shall pay annually twenty-five dollars. Every person whose business it is to buy and sell produce, fish, meats, or fruits from wagons or carts, stalls or stands, shall be regarded as a produce-dealer. No additional license shall be required of a produce-dealer for selling meat, when the capital invested is less than one thousand dollars: *Provided*, That any person selling produce of his own raising shall not be liable for license for selling the same. Produce-dealers having stands in the several markets shall pay a license for each; the same selling from wagons shall be liable for each. Persons selling fruit, cakes, sweetmeats, or other eatables from baskets or stands, whose average capital does not exceed twenty dollars, shall not be liable for license tax.

Twenty-third. The proprietors of gift enterprises shall pay one thousand dollars annually. Every person who shall sell or offer for sale any real estate or article of merchandise of any description whatever, or any ticket of admission to any exhibition or performance, or other place of amusement, with a promise, expressed or implied, to give or bestow, or in any manner hold out the promise of gift or bestowal, of any article or thing, for and in consideration of the purchase, by any person, of any other article or thing, whether the object shall be for individual gain or for the benefit of any institution, of whatever character, or for any purpose

whatever, shall be regarded as a gift enterprise: *Provided*, That no such proprietor, in consequence of being thus taxed, shall be exempt from paying any other tax imposed by law, and the license herein required shall be in addition thereto.

Twenty-fourth. The proprietors of hacks, cabs, and omnibuses, and street-cars, and other vehicles for transporting passengers for hire, shall pay annually as follows: Hacks and carriages, ten dollars; one-horse cabs, six dollars; omnibuses, ten dollars; street-cars, drawn by one horse, three dollars, and by two horses, six dollars; or other vehicles capable of carrying ten passengers or more at one time, ten dollars.

Twenty-fifth. The proprietors of hotels shall pay annually as follows: Hotels containing twenty rooms or less, suitable for the accommodation of guests, twenty-five dollars; the same, containing more than twenty rooms, suitable for the accommodation of guests, one dollar for each room over twenty. Every place where food and lodging are provided for and furnished to travelers and sojourners for pay, shall be regarded as a hotel: *Provided*, That a hotel license shall not authorize the sale of distilled or fermented liquors, wines, or cordials.

Twenty-sixth. Proprietors of intelligence-offices, who charge for services, shall pay annually ten dollars.

Twenty-seventh. Fire insurance companies shall pay annually fifty cents on each thousand dollars of capital invested. Every company, firm, or corporation, whose business it is to grant policies of insurance for buildings of any kind, boats, vessels, and ships, furniture, or merchandise, against loss by fire, shall be regarded as a fire insurance company.

Twenty-eighth. Life insurance companies shall pay annually fifty cents on each thousand dollars of capital invested. Every company, firm, or corporation, whose business it is to insure the life of any person, or who may agree to pay to the person insured any sum of money, in case of accident to said person, or who may agree, on conditions, to pay to the person insured an annuity, shall be regarded as a life insurance company.

Twenty-ninth. Insurance agents shall pay annually fifteen dollars, and, in addition, a semi-annual tax of one per centum on the gross receipts of such agency, whether such receipts are in cash or notes for the part payment of premiums. Every person whose business it is to act as agent for any life or fire insurance company, whose principal office is located beyond the District of Columbia, shall be regarded as insurance agents: *Provided*, That in case where any person is agent for more than one company, the license-tax of fifteen dollars shall be paid for each company: *Provided further*, That non-resident insurance agents shall pay two hundred and fifty dollars annually. Every agent or solicitor of insurance, whose office and residence is beyond the limits of the District of Columbia, shall be regarded as a non-resident insurance agent.

Thirtieth. The proprietors of junk-shops shall pay forty dollars annually. Every person whose business it is to keep a store or office for buying and selling old iron, rags, paper, second-hand clothing, or like old material, shall be deemed the keeper of a junk-shop. Dealers in old barrels shall pay a license of ten dollars.

Thirty-first. The proprietors of livery-stables shall pay as follows: Not exceeding ten stalls, twenty-five dollars, and two dollars for each additional stall more than ten. Any person whose business it is to keep horses for hire, or to keep, board, or feed horses for others, shall be regarded as a livery-stable keeper: *Provided*, That nothing contained in this clause shall be so construed as to exempt livery-stable keepers from

procuring additional license for running cabs, hacks, or hackney carriages.

Thirty-second. Proprietors of grounds used for horse-racing or tournaments shall be required to pay a weekly tax of twenty-five dollars or five dollars per day, when so used.

Thirty-third. Photographers shall pay annually twenty dollars. Any person who makes for sale photographs, ambrotypes, daguerreotypes, or pictures by agency of light, shall be regarded as a photographer.

Thirty-fourth. Peddlers shall pay fifty dollars annually. Any person who may offer for sale from house to house, or from a wagon, dry-goods, fancy goods, notions, toys, and similar articles, delivered at the time of sale, shall be known as a peddler.

Thirty-fifth. Real estate agents shall pay twenty-five dollars annually, and, in addition, pay semi-annually a tax of one per centum on their commissions. Every person whose business it is to sell or offer for sale real estate for others, or to rent houses, stores, or other buildings, or real estate, or to collect rents for others, shall be regarded as real estate agents: *Provided*, That license as real estate agents shall not authorize any person to act as auctioneer without license as such.

Thirty-sixth. Rectifiers shall pay twenty-five dollars annually. Every person who rectifies, purifies, or refines distilled spirits or wine by any process, or who, by mixing distilled spirits or wine with any materials, manufactures any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, "spirits," or "wine-bitters," or any other name, shall be regarded as a rectifier.

Thirty-seventh. Proprietors of restaurants and eating-houses shall pay twenty-five dollars annually. Every place, the business of which is to provide meals and refreshments, except distilled or fermented liquors, wines, and cordials, for casual visitors, shall be regarded as a restaurant or eating-house.

Thirty-eighth. The proprietors of theaters shall pay annually one hundred dollars: *Provided*, That license may be granted for theatrical performances for one week on the payment of twenty dollars. Every edifice used for the purpose of dramatic, operatic, or other representations, plays, performances, or burlesques, for admission to which entrance-money is received, but not including hall rented or occasionally used for concerts or theatrical representations, shall be regarded as a theater.

Thirty-ninth. The proprietors of variety theaters shall pay five hundred dollars annually. Every hall or building used for burlesque, dramatic, and operatic representations, or other funny plays or performances, shall be known as a variety theater, and shall include also places where liquors are sold, dispensed, or given to persons in the audience: *Provided*, That nothing herein contained shall be so construed as to include a license for the sale of liquors: *Provided further*, That a license may be granted for one week on the payment of twenty-five dollars.

Fortieth. Contractors, whose gross receipts are in excess of five thousand a year, shall pay twenty-five dollars annually. Every person who contracts for building railroads, bridges, ships, or buildings, or for paving or grading streets or sidewalks, or for building sewers and other work of a like character, shall be regarded as a contractor.

Forty-first. Book agents shall pay ten dollars annually. Every person whose business it is to solicit subscriptions for or deliver books or maps, shall be regarded as a book agent: *Provided*, That only one person shall be authorized to solicit orders or deliver books, maps, or engravings under one license.

Forty-second. Manufacturers of illuminating gas shall pay an annual tax of five cents on every hundred dollars of its capital stock: *Provided*, That the tax hereby required for a license shall not be construed as exempting any company engaged in the manufacture of illuminating gas from such general taxes as may be assessed upon its capital or other property under existing laws.

Forty-third. Claim-agents shall pay fifteen dollars annually. Every person whose business it is to prosecute claims before the executive departments of the General Government or the District of Columbia shall be regarded as a claim-agent.

Forty-fourth. Patent-agents shall pay twenty-five dollars annually. Every person whose business it is to procure patents shall be regarded as a patent-agent.

Forty-fifth. Ice-dealers shall pay annually four dollars on each thousand dollars of capital invested. Every person, firm, company, or corporation whose business it is to sell ice, shall be regarded as ice-dealers: *Provided*, That persons who may sell or peddle ice from house to house, and not acting as the agent or employé of any person, firm, or corporation, shall not be liable for any license, except on the wagon used for the purpose.

24. For the purposes of this chapter, the word person shall signify and include firms, corporations, or company. Words of one number shall signify and include words of both numbers, respectively. Words of one gender shall signify and include words of every gender, respectively. The word "agent" shall signify and include every person acting for another. The word "merchandise" shall signify and include every article of commerce, whether sold in bulk, by sample, catalogue, or otherwise. "Dealers" shall signify and include every person engaged in selling or offering for sale by sample, catalogue, or otherwise.

25. All the penalties or fines imposed or in any manner created by this chapter, shall be recovered in the police court of said District, on information under oath, filed therein by the attorney of the district, or his assistant, in the name of the District of Columbia: *Provided*, That when any penalty shall be allowed in part to the informer, the judgment or finding of the court shall set forth that it is for the District, and indicate the amount or proportion thereof which shall go to and be for the informer.

CHAPTER II.—OF AUCTIONS AND AUCTIONEERS.

1. No person whatsoever shall sell, or expose to sale by way of vendue, or auction, any property, real or personal, within the District of Columbia, unless such person or persons shall reside within the said District, and first obtain a license for the purpose, and give bond to the District of Columbia, with two good securities, in the sum of five thousand dollars, for the honest and due performance of all the duties required by law.

2. If any person or persons shall be found selling or disposing of any property, real or personal, within the District of Columbia, by way of vendue or auction, without having obtained such license, and given required security, such person or persons so offending shall forfeit and pay to the District the sum of twenty-five dollars for every lot which he or they shall have so sold.

3. Every licensed auctioneer shall receive all articles which they shall be required to sell at auction, giving his or their receipt for the same, if

required, and within ten days after any sale made shall deliver a fair account of the same, and pay the amount thereof to the person or persons entitled thereto, deducting therefrom the fees and commissions hereafter allowed, that is to say: on the amount of the sale of personal property, of every description, a commission of seven per centum, except dry-goods sold in their original packages, on which it shall be only two and one-half per centum, and except ships or vessels, public securities, and bank or other incorporated stocks, respecting which a different rate is hereinafter prescribed; and on the amount of sale of ships or vessels, public securities and bank and other incorporated stocks, two per centum on the first two hundred dollars, and one per centum on the next one thousand three hundred dollars; and if the amount of sales shall exceed fifteen hundred dollars, then one-fourth of one per centum on such excess; and in all cases when any article shall be actually exposed to sale, which shall not be sold, by reason of its not producing the price at which it may be limited, it shall be lawful for the auctioneer or auctioneers to demand and receive, on the sum at which such article shall have been struck off, one-fourth of the commission which he or they would have been entitled to receive had it been actually sold; and every auctioneer who shall demand or receive any fees or commissions not allowed by law, or greater fees or commissions than are so allowed, shall forfeit four times the amount of fees and commissions so demanded, or received, to the use of the person or persons on whom such demand shall be made, or from whom such fees or commissions shall be received; but no auctioneer shall be prevented from charging any reasonable compensation for any extra services he may render.

4. Licensed auctioneers are forbidden to receive goods for sale, of any servant or minor, unless accompanied by a certificate from the owner or owners thereof; or to expose to public sale any real or personal property, without first making out in writing, and signing, and publicly reading the conditions of such sale, and advertising the property intended for sale, and the time and place of sale, in one or more of the newspapers published in the city of Washington, and also giving notice of the same by a crier and the ringing of a bell; or either directly or indirectly to purchase at auction any article or articles put up to sale by him to sell again, and not for his own use, under a penalty of twenty-five dollars for any such offense; or to sell, by auction, dry-goods or groceries, in lots or parcels, of less value than five dollars, or liquors of any kind in less quantity than five gallons, under a penalty of five dollars for every offense.

5. Where two or more persons shall take out a joint license as auctioneers, it shall not be lawful for them to have different houses of business, or established places for the reception and sale of goods under one and the same license, but all licensed auctioneers may hold two or more sales at one and the same time, when the necessities of their business require, and persons taking out a joint license and thereunder keeping different houses of business, or places for the reception and sale of goods, shall forfeit and pay the same penalty for every offense as is imposed on persons selling as auctioneers without having taken out the license and given security as required by law.

6. It shall be the duty of any auctioneer licensed under the laws of this District, to deduct from the proceeds of all sales made by him the duties directed to be levied by law, and to pay over the same to the register, for its use and benefit, once in every three months; and in accounting for such duties, it shall also be incumbent on every such auctioneer to make his return under the solemn sanction of an oath, or

affirmation, and to exhibit to the register aforesaid, whenever required by him, his books of sales, in order to enable the register to ascertain the correctness of the returns aforesaid; and in case any such auctioneer shall fail strictly to perform the duties hereby imposed on him, or to account accurately for, and pay over, as above prescribed, the revenue payable to this District on sales at auction by him, or to exhibit his books, as aforesaid, he shall forfeit his license, and be, moreover, liable to a penalty of fifty dollars, and to a further penalty of twenty dollars for every day which shall elapse after default shall be made in payment of the said duties, or in rendering his returns, or in exhibiting his books, agreeably to this section, until he shall comply with the directions it contains; and all penalties accruing under it shall be for the sole use and benefit of this District.

7. In case any person or persons who shall have become the surety or sureties for the faithful performance of the duties of any auctioneer or auctioneers, licensed as aforesaid, shall die, remove from the District of Columbia, or become insolvent, the register shall, and he is hereby authorized and empowered, to demand other satisfactory security or securities, for the due performance of such duties; and in case such satisfactory security or securities shall not be given within eight days, the license taken out by such auctioneer or auctioneers shall thenceforth become, and is hereby declared to be, null and void, to all intents and purposes, as if the same had never been granted; and whenever the license of any auctioneer or auctioneers shall have expired, or he or they shall have failed to comply with the requisitions of the law, so that such license be no longer in force, the register shall, at the expiration of eight days, give notice thereof in two or more newspapers published in the city of Washington.

8. No auctioneer shall receive storage for any goods, wares, or merchandise, put into his hands for sale, except for the following articles, and at the rates specified, that is to say: for all net goods and groceries, and for all pork, fish, or beef, in barrels or hogsheads, or coffee in hogsheads, tierces, barrels, or bags, crockery or glass in hogsheads or crates, which shall remain undisposed of after having been once exposed to sale; for every hogshead, pipe, or crate, twenty-five cents per month; for each barrel or bag eight cents per month; and in the same proportion for any larger or smaller quantity, and for any longer or shorter time.

9. Every licensed auctioneer or auctioneers shall constantly keep a fair copy of the laws of the legislative assembly providing for licensing and regulating auctioneers, in some conspicuous place in his or their auction-room, for the inspection of the public; and if he or they shall fail so to do, he or they shall forfeit and pay a penalty of twenty dollars.

CHAPTER III.—OF HUCKSTERS.

1. It shall not be lawful for any person or persons, residents or non-residents, to engage in the business of huckstering or trading, buying, selling, or dealing in poultry, eggs, butter, wild game, vegetables, fruits, and other market stuff, family provisions, horse-feed, corn-meal, or any other such articles, (except any description of fresh fish,) within the limits of the District, unless such person or persons shall first obtain from the register a license therefor, which shall be in addition to the cost, hire, or rent of the stall or stand occupied and of the license paid for the running of the wagon or other vehicle under the business as aforesaid.

2. Each and every person engaged in the business or trade of a huckster shall provide and have for use at their respective stands, stalls, or benches, or in their respective carts, wagons, or other vehicles in each of the several market-houses of this city, or while engaged in selling from their respective carts, wagons, or other vehicles in any other part of the District, scales and measures of the proper standard, and so marked by the sealer of weights and measures of this District, and shall weigh or measure all flour, meal, corn, oats, mill-offal of every description, and all the other articles of grain, and all other articles or commodities of every kind sold by weight or measure which they may sell, at the time the same is sold and delivered to the purchasers thereof.

3. Any person or persons violating the provisions of the second section of this chapter shall forfeit and pay to this District the sum of five dollars for each and every such offense; and in any case where the person or persons convicted of violations of the provisions of this chapter shall not forthwith pay or secure the payment of the said fine, such person or persons shall be confined in the work-house until such fine and the costs thereon are paid; but in no case for a period exceeding thirty days for each conviction.

CHAPTER IV.—OF INTELLIGENCE-OFFICES.

1. Licenses may be granted, in the same manner as licenses are now granted in Washington City, for one year, unless sooner revoked after notice and cause, to suitable persons, upon payment by them of five dollars each, to keep offices for the purpose of obtaining employment for domestics, servants, or other laborers, except seamen, or of giving information in relation thereto, or of doing the usual business of intelligence-offices, and said licenses shall be signed and the fees therefor received by the same officer or officers as perform those offices in the city of Washington; and no person shall keep such an office without a license, under a penalty not exceeding twenty dollars for every day it is so kept.

2. The penalty provided in the preceding section may be recovered by complaint before the police court of the District of Columbia, and said sum to be collected and applied as other fines.

CHAPTER V.—OF DRY MEASURES.

1. It shall not be lawful for any person or persons to sell any article by dry measure, within the limits of this District, unless the same shall be measured in dry-measures made to conform in all respects to the standard measures of the United States; and any person or persons selling or offering to sell by dry-measure any article by any other form or size of measure shall be deemed guilty of an offense, and shall, upon conviction, forfeit and pay for every such offense a fine not exceeding five nor less than three dollars; to be collected and applied as all other fines are collected and applied.

2. The sealer of weights and measures shall seal no dry-measures unless the same shall conform in all respects to the standard dry-measures. He shall examine all dry-measures now used in the District; and all dry-measures not conforming to the said standard dry-measures shall be by him condemned; and any person or persons obstructing him

or his assistants in the discharge of his or their duties under this section shall, upon conviction, forfeit and pay a fine not exceeding five dollars for every such offense; to be collected and applied as other fines are collected and applied; and the clerks and assistant clerks of markets shall see that this law is strictly enforced within their respective markets.

CHAPTER VI.—OF DEALERS IN RAGS, BONES, ETC., AND REGULATIONS FOR STORING.

1. It shall not be lawful for any person or persons to buy, sell, or barter old barrels, boxes, rags, or bones without first having obtained a license therefor, under a penalty of ten dollars for each offense, to be collected as other fines are; the tax for such license to sell and barter old barrels, boxes, rags, or bones, shall be twenty dollars for each of the subjects of such license, and such license shall continue one year from the date of its issue.

2. It shall be unlawful for any person to store, put, or place bones which shall have been purchased or bartered, in any house, store-room, stable, building, or place, within two hundred feet of any dwelling-house, other than the dwelling-house of the person storing such bones, under a penalty of five dollars for each and every day that the same shall be stored, put, or placed as aforesaid; and it shall be unlawful for any person or persons to store old rags which shall have been purchased or bartered, in any house, store-room, stable, building, or place, within fifty feet of any dwelling-house, other than the dwelling-house of the person storing such rags, and the entire stock of old rags, so collected and stored, shall be removed from the premises, or shipped at least once in every fifteen days; and any person or persons storing old rags, or refusing or neglecting to remove the same in accordance with these provisions, shall be liable to a fine of five dollars for every day that they shall so offend.

CHAPTER VII.—BRICKS AND BRICK-MOLDS.

1. All bricks made in the District of Columbia for sale shall be made in molds of the following size and dimensions, that is to say: nine inches and one-quarter long in the clear, four inches and five-eighths wide in the clear, and two inches and a half deep in the clear; but stock-bricks shall be made in molds two inches and five-eighths deep in the clear.

2. If any person shall sell or expose to sale within the city, bricks made in molds of other dimensions than those given and described—arch-bricks, cornice-bricks, and water-table bricks excepted—or in molds not tested and stamped as correct by the sealer of weights and measures, they shall forfeit and pay, upon conviction thereof, twenty dollars for each and every offense as aforesaid, to be recovered and applied as other fines are.

CHAPTER VIII.—OF HOTELS, RESTAURANTS, ETC.

1. No hotel, tavern, ordinary, restaurant, sample-room, or tippling-house, shall be kept in the District of Columbia without a license being first had and obtained therefor, which license, and the person or per-

sons by whom such license shall be obtained, shall be subject to such conditions, regulations, and penalties as shall be provided for by law at the date of such license, or at any time thereafter during the period for which it shall be obtained.

2. All licenses for hotels, taverns, ordinaries, restaurants, sample-rooms, and tippling-houses shall expire on the first Monday in November in each year.

3. Every person who shall apply for a hotel, tavern, or ordinary license, shall produce to the register a certificate signed by six respectable freeholders residing in the same square, and in the square opposite to the one in which such person resides in which it is proposed to establish such hotel, tavern, or ordinary, which certificate shall set forth that each of said six respectable freeholders have personally examined the premises for which application for a license is made, and they are satisfied that the person making application hath provided on the said premises suitable and proper accommodations for travelers or guests with at least three good bed-chambers, exclusive of those used by himself or herself, or by any member of his or her family or domestics, with two good beds and bedsteads and suitable bedding therefor in each of such chambers, or the same number of such beds, bedsteads, and bedding in a greater number of such chambers.

4. Every person who shall apply for a restaurant or eating-house license shall produce to the register a certificate signed by six respectable freeholders residing in the same square, or the next adjacent square, or the square opposite to the one in which such person resides, which certificate shall set forth that each of the said six respectable freeholders have personally examined the premises for which application for a license is made, and that they are satisfied that the person making application hath provided on said premises suitable and proper accommodations for guests, so that said guests may be supplied with such eatables that they may require at any hour that the same may be called for.

5. Before issuing any license under the preceding sections, the register shall be fully satisfied of the legal responsibility and good character of the person or persons applying for such license, and there shall also be before the register the recommendation of an aggregate majority of housekeepers residing on the same side of the same square on which is the principal front of the establishment, hotel, tavern, ordinary, or restaurant proposed to be located or opened, and the side of the square fronting immediately opposite, which recommendation shall certify that the parties signing the same are well acquainted with the person or persons applying for such license, that the public convenience requires the establishment of such hotel, tavern, ordinary, or restaurant, and they recommend the issuing of such license to said person or persons.

6. All keepers of hotels, taverns, ordinaries, and restaurants are prohibited from selling spirituous and fermented liquors, wines, cordials, and all other intoxicating liquors to any minor; and all keepers of hotels, taverns, ordinaries, and restaurants are prohibited from selling any kind of spirituous, distilled, or fermented liquors on Sunday, and are required to have their bars or other places where liquor is usually sold closed on Sunday during the entire day and evening; and for the first violation of the requirements of this section the offender shall be fined not less than twenty nor more than fifty dollars, and for the second offense a like fine shall be imposed, and the license of such person or persons shall be forfeited and annulled.

7. All keepers of tippling-houses are prohibited from selling spirituous

and fermented liquors, wines, cordials, and all other intoxicating liquors to any minor. All keepers of tippling-houses are prohibited from selling any kind of spirituous, distilled, or fermented liquors on Sunday, and are required to have their houses closed on Sunday during the entire day and evening; and for the first violation of this section the offender shall be fined net less than twenty nor more than forty dollars, and for the second offense a like fine, and shall forfeit his, her, or their license.

8. Any person or persons convicted of any offense under this law, who shall fail to pay or secure the payment of such fine or penalty as may be recovered against him, her, or them for the same immediately, shall be committed to the work-house until such fine or penalty and costs thereon be paid; but no imprisonment shall be for a longer period than ninety days for any one offense.

9. It shall not be lawful for any person or persons who shall obtain a license for the sale of distilled, fermented, or other intoxicating drinks to be drunk on the premises where the same shall be sold, to keep open their bar or other place for the sale of such drinks after the hour of twelve o'clock midnight nor before the hour of four o'clock a. m.; and any person offending against the provisions of this section shall on conviction thereof be fined not less than ten nor more than fifty dollars.

10. No person or persons who shall obtain a license to sell distilled, fermented, or other intoxicating drinks to be drunk on the premises where sold, shall, under pretense or color of such license, sell such drinks at more than one place on the same premises, under the like pains and penalties as if he or she were selling without license.

CHAPTER IX.—OF TEN-PIN ALLEYS.

1. Every person or persons keeping a bowling or ten-pin alley shall close and cease to use the same from twelve o'clock at night until six o'clock a. m.; and all proprietors of bowling or ten-pin alleys shall provide ample sand-bags or other means of stopping the balls at the end of the alleys so as to prevent the noise as much as practicable; and no license shall be granted to keep a bowling or ten-pin alley without the consent of the freeholders contiguous to and the majority of the freeholders residing on the same side of the same square and the square opposite to the one in which said person or persons design locating said ten-pin alley, which consent shall be certified to by the chief of police.

2. If any person or persons shall set up, use, or keep any ten-pin or bowling-alley for hire or gain without having first obtained a license therefor, he, she, or they shall forfeit and pay for each and every day or less time that such bowling or ten-pin alley shall be played on, or for any violation of the provisions of this chapter, the sum of ten dollars, to be recovered as provided by law.

CHAPTER X.—OF THE SALE OF CHARCOAL.

1. All charcoal sold in the District shall be sold by measure or measures, the shape of which shall be fixed by the register and sealed by the sealer of weights and measures.

2. Any person selling or offering charcoal for sale in any other than a prescribed sealed measure shall forfeit and pay five dollars for each offense, to be recovered as other fines are.

CHAPTER XI.—OF THE SALE OF BREAD.

1. It shall not be lawful for any person or persons to offer for sale within the district any loaf-bread manufactured of wheaten flour, whether that known as bakers' wheaten bread or any other, (except bread made of unbolted flour, or bran-bread, hereafter provided for,) unless the same shall be composed of the best quality of fine, sweet, superfine wheaten flour, free from all adulterating ingredients, and from any improper or unwholesome mixture whatever.

2. The loaves of wheaten bread sold in the District shall be of three distinctive sizes or weights, to wit: the first, to weigh not less than sixteen nor more than eighteen ounces avoirdupois; the second, to weigh not less than thirty-two nor more than thirty-five ounces avoirdupois; and the third, to weigh not less than sixty-four nor more than sixty-eight ounces avoirdupois weight; and each loaf of bread shall have legibly stamped or impressed thereon the weight of the bread in figures —one, two, and four; the figure 1 to be stamped on the loaf of the first weight; the figure 2 on the second weight; and the figure 4 on the third weight.

3. Loaves of bread made of rye-flour, or of unbolted wheaten flour, or bran-bread, when offered for sale, shall be of the sizes and weights fixed for loaves of wheaten bread, and shall also be free from any adulterating or unwholesome ingredient whatever.

4. Any person offering to sell bread in loaves different in weight or quality from that prescribed by law shall forfeit the same, and pay a penalty of two dollars for every loaf offered for sale, to be recovered on information in the police court.

5. The clerks of the several markets shall inspect the bread offered at their respective markets; weigh it when they think proper, and seize the same when varying from the standard weight; on proof before the police court, all bread offered for sale contrary to the provisions of law shall be forfeited and sent to the almshouse, except when its use will be pernicious to health, when it shall be destroyed.

6. It shall be the duty of police officers, when they deem it necessary, to enter the bake-houses, shops, and stores in which bread is sold, and also to search the carts and other vehicles employed in carrying bread around, and examine and weigh the bread found therein; and if such bread, or any part thereof, shall not be made in conformity with law, such police officer shall proceed against the person or persons so offending, in the manner provided.

7. If any baker or vender of bread shall refuse to permit the bread in his possession to be examined and weighed at a reasonable hour by the police officer, or clerk of the market, or conceal the same from the officer or clerk, he shall forfeit and pay not less than twenty dollars, nor more than thirty for every day's refusal.

8. All bread, buns, rolls, crackers, biscuits, cakes, or baked dough not before described, shall be sold by actual weight in avoirdupois pounds and ounces, to be weighed at the time of sale, in scales approved by the sealer of weights and measures; and any person refus-

ing or neglecting to weigh such articles, and to declare truly the weight thereof, shall forfeit and pay for every such offense a fine of not less than two dollars, nor more than five; one-half to go to the informer: *Provided*, That the process of weighing shall not be obligatory when the purchaser shall volunteer to dispense with the same.

CHAPTER XII.—OF THE SALE OF LIME.

1. It shall not be lawful for any person or persons to sell or offer for sale within the limits of the District any quicklime to be used for building purposes, except by weight, the bushel to contain and weigh not less than eighty, and the barrel two hundred pounds, and in the same proportion for any smaller quantity.

2. Any person or persons offending against the provisions of this law shall forfeit and pay the sum of not less than two nor more than five dollars for each and every offense, to be collected and applied as other fines are.

CHAPTER XIII.—SEALERS OF WEIGHTS AND MEASURES.

1. There shall be three sealers of weights and measures; two for, and residents of, that part of the District of Columbia known as the city of Washington, and one for, and a resident of, that part of said District known as the city of Georgetown.

2. Each sealer of weights and measures shall, before entering on the duties of his office, enter into bond in the sum of five hundred dollars for the faithful performance of his duties, with security, to be approved by the governor.

3. Each sealer of weights and measures shall keep an office in a convenient and public place, and shall have the keeping of such standard weights and measures, as now are or hereafter shall be provided by the District of Columbia, which shall be used only as the standards for weights and measures until Congress shall by law provide otherwise.

4. Each sealer of weights and measures shall rectify and brand or seal with the letter "W" all scale-beams, weights, and measures that may be brought to his office for that purpose, as near the upper edge or ends thereof as possible; for each of which he shall receive from the respective owners thereof ten cents, and double that sum if rectified, branded, or sealed at any other place. And if he shall neglect to rectify, brand, or seal any scale-beams, weights, or measures within three days after the same shall have been brought to his office, he shall incur a penalty of five dollars for every such neglect.

5. Each sealer of weights and measures shall, under a penalty of twenty dollars for each neglect, at least once in every six months, between the rising and setting of the sun, enter every store, shop, market, or other place where goods are sold within that part of the District for which he is appointed and examine the scales, weights, and measures, if any therein; and if any scale-beams, weights, or measures should be found without the official stamp, brand, or seal of the sealer of weights and measures, or deficient, or exceeding in weight or measure, the same shall be seized by the sealer of weights and measures; and the person in whose possession such scale-beam, weight, or measure shall be found, shall pay a fine of one dollar for each and every such

scale-beam, weight, or measure: *Provided*, That nothing herein contained shall be construed to prevent any manufacturer or other person from keeping scale-beams, weights, and measures for sale; in which case such person shall previously give information thereof to the register; on failing to do which he shall incur the said penalty: *And provided further*, That nothing herein contained shall be construed to require the sealer of weights and measures to enter any United States establishment in this District.

6. If any person shall refuse to produce his or her scale-beams, weights, or measures for examination, when required by the sealer of weights and measures, or refuse to relinquish the same when seized, the person so refusing shall pay a fine of not less than one nor more than ten dollars.

7. Any person who shall sell by any scale-beam, weight, or measure not rectified and stamped, branded, or sealed by the sealer of weights and measures, shall, upon conviction thereof, pay a fine of one dollar for each and every offense; and any person is hereby authorized to prosecute for this penalty. And if the sealer of weights and measures shall pass any scale-beam, weight, or measure that shall not correspond with the standards prescribed by law, he shall, for each offense, forfeit and pay a fine of ten dollars.

8. If any person shall sell by the steelyard, the sealer of weights and measures, (who is hereby authorized to examine any steelyard which he may see in use,) if he shall on examination find the same not to agree with the standard aforesaid, shall seize the same; and the person found selling therewith, or the owner, shall incur a penalty of two dollars.

9. Each sealer of weights and measures shall twice in every year examine and cause the owners thereof to adjust every hay-scale in that part of the district for which he is appointed, and he shall be entitled to receive for every such examination the following fees, to be paid by the owner of such scales, to wit: Two dollars for all platform-scales of over one ton and not exceeding ten tons' capacity, and twenty-five cents for each additional ton exceeding ten tons; one dollar for all platform-scales of less than one ton capacity.

10. Each sealer of weights and measures shall keep a book wherein he shall enter the names of the persons who shall have scale-beams, weights, and measures adjusted, the number and description of the same, and the times when adjusted, and return annually to the secretary of the District a copy of said entries, together with a statement of all weights and measures seized.

11. All weights and measures which shall be seized, where practicable, shall be adjusted and delivered to their original owners upon payment of the penalty, together with the legal fees for sealing, stamping, or branding the same.

12. Each sealer of weights and measures shall be required to give each owner of a store or stall in a market, or other person vending or dealing in goods, a list of the articles examined and approved by him.

13. Each sealer of weights and measures is authorized, when in his judgment he may deem it necessary, to employ at his own expense a person to assist him in the discharge of his duty as sealer of weights and measures, for whose acts the said sealer of weights and measures shall at all times be responsible.

14. It shall not be lawful to use, for weighing any article for sale in the several markets or elsewhere, any spring-balance scale, unless the same shall have been examined and certified by the sealer of weights and measures to be accurate, which certificate shall be attached to such

scale in a conspicuous part thereof, with the seal of the sealer of weights and measures, stating the fact of its accuracy, and the date of the examination and certificate, which certificate shall be marked with a number corresponding with a number, and be placed on the scale by the sealer of weights and measures, and no such certificate shall be valid for a longer period than three calendar months; and for each such examination and certificate the sealer of weights and measures shall be entitled to charge and receive from the owner of such scale twenty-five cents; and every person offending against the foregoing provisions of this section shall forfeit and pay a fine of ten dollars.

15. It shall not be lawful for any person to use any platform or other scales for the sale of coal, hay, or any other substances, nor for weighing any articles or goods for transportation, upon which freight is paid or to be paid, unless said platform or other scales shall have first been examined and certified to by the sealer of weights and measures to be accurate, which certificate shall be attached to such scales, in a conspicuous part thereof, with the seal of the sealer of weights and measures, stating the fact of its accuracy and the date of the examination, and marked as provided for in this chapter; and any person offending against the foregoing provisions of this section shall forfeit and pay a fine of ten dollars for each offense.

16. All scales, weights, and measures that have been, or may hereafter be, seized by the sealers of weights and measures, shall be held subject to the owner thereof for thirty days, after which all claims upon such scales, weights, or measures shall be forfeited.

17. Any person who shall, without authority of law, stamp, seal, mark, or print, upon any scale, weights, or measure, used, or to be used, in this District for weighing or measuring either dry or linear substances, the ordinary Government stamp, or any other mark, stamp, or device, that would have a tendency to deceive or mislead as to the exact capacity of such measures; or who shall in any manner, without the authority of this District, stamp, or cause to be stamped or certified, any measures or weights, used or to be used in said city, shall, upon conviction thereof, before any justice of the peace, be fined not less than twenty dollars nor more than fifty dollars for each offense.

18. The fines and penalties imposed by this chapter shall be recovered as other fines are recovered for the use of the District of Columbia.

19. It shall be lawful in this District to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

20. The tables in the schedules hereto annexed shall be recognized in the construction of contracts and in all legal proceedings, as establishing, in terms of the weights and measures now in use in this District, the equivalents of the weights and measures expressed therein in terms of the metric system; and said tables may be lawfully used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

MEASURES OF LENGTH.

Metric denominations and values.		Equivalents in denominations in use.
Myriameter	10,000 meters.	6.2137 miles.
Kilometer	1,000 meters.	0.62137 miles, or 3,280 feet and 10 inches.
Hectometer	100 meters.	328 feet and 1 inch.
Decameter	10 meters.	393.7 inches.
Meter	1 meter.	39.37 inches.
Decimeter	.1 of a meter.	3.937 inches.
Centimeter	.01 of a meter.	0.3937 inches.
Millimeter	.001 of a meter.	0.0394 inches.

MEASURES OF SURFACE.

Metric denominations and values.		Equivalents in denominations in use.
Hectare	10,000 square meters.	2.471 acres.
Are	100 square meters.	119.6 square yards.
Centare	1 square meter.	1,550 square inches.

MEASURES OF CAPACITY.

Metric denominations and values.			Equivalents in denominations in use.	
Names.	Number of liters.	Cubic measure.	Dry measure.	Liquid or wine measure.
Kiloliter, or stere	1,000	1 cubic meter	1.308 cubic yards	264.17 gallons.
Hectoliter	100	.1 of a cubic meter	2 bushels and 3.35 pecks	26.417 gallons.
Decaliter	10	10 cubic decimeters	9.08 quarts	2.6417 gallons.
Liter	1	1 cubic decimeter	0.908 quarts	1.0567 quarts.
Deciliter	.1	.1 of a cubic decimeter	6.1022 cubic inches	0.845 gills.
Centiliter	.01	10 cubic centimeters	0.6102 cubic inches	0.338 fluid-ounces.
Milliliter	.001	1 cubic centimeter	0.061 cubic inches	0.27 fluid-drams.

WEIGHTS.

Metric denominations and values.			Equivalents in denominations in use.
Names.	Number of grams.	Weight of what quantity of water at maximum density.	Avoirdupois weight.
Millier or tonneau	1,000,000	1 cubic meter	2204.6 pounds.
Quintal	100,000	1 hectoliter	220.46 pounds.
Myriagram	10,000	10 liters	22.046 pounds.
Kilogram or kilo	1,000	1 liter	2.2046 pounds.
Hectogram	100	1 deciliter	3.5274 ounces.
Decagram	10	10 cubic centimeters	0.3527 ounces.
Gram	1	1 cubic centimeter	15.432 grains.
Decigram	.1	.1 of a cubic centimeter	1.5432 grains.
Centigram	.01	10 cubic millimeters	0.1543 grains.
Milligram	.001	1 cubic millimeter	0.0154 grains.

CHAPTER XIV.—WEIGHERS OF HAY, STRAW, AND FODDER.

1. There shall be four weighers of hay, straw, and fodder—three for and residents of that part of the District of Columbia known as the city of Washington, and one for and a resident of that part of said District known as the city of Georgetown.

2. All hay, straw, fodder, and oats in the straw brought to and sold within the District of Columbia, whether in wagons, carts, packages,

bundles, or otherwise, shall be sold by weight and weighed in one of the several scales authorized by law; and the persons obtaining such scales, in accordance with the following provisions, shall have the exclusive privilege of weighing all such hay, straw, fodder, and oats in the straw.

3. No hay, straw, fodder, or oats in the straw shall be sold in the District of Columbia, unless the same shall be previously weighed by one of the duly authorized weigh-masters, and a certificate of the quantity so weighed obtained, under the penalty of not more than ten nor less than five dollars for every wagon-load, cart-load, bundle, bale, or package so sold, to be recovered of the seller before the police court.

4. In case of non-attendance on the part of the person having charge of any of the authorized scales, by reason of which any person wanting hay, straw, fodder, or oats weighed, shall be detained for the space of half-hour, the person in charge shall forfeit for such offense, if it shall take place between the hours of six a. m. and six p. m., the sum of not more than ten nor less than five dollars, to be recovered as other fines are.

5. The persons entitled to the privileges of said scales shall be allowed and receive compensation for weighing every load of hay, straw, fodder, or oats in the straw, weighing five hundred pounds or less, ten cents; all loads between five hundred and two thousand pounds, thirty five cents; and for each and every bundle or package of the same, two cents, to be paid by the seller; and the said owners or proprietors shall not receive any other fee under the penalty of five dollars for each and every offense.

6. It shall be the duty of the weigher of hay, straw, fodder, or oats in the straw weighed, to give a certificate describing the gross weight of the hay, straw, fodder, or oats in the straw, with the wagon, and all the pieces that are used in securing the same in the wagon; also the weight of the wagon and pieces, and the net weight of the hay, straw, fodder, or oats in the straw so weighed; and it shall be the duty of the weighers of hay to brand with the letters D C all wagons, carts, or other vehicles used in bringing hay, straw, fodder, or oats in the straw for sale; also all the pieces of wood used in securing said hay, straw, fodder, or oats in the straw, and to number the same, and to place the number in certificate; in case the wagon shall not be in practice of bringing hay, the weighers may dispense with the marking of the pieces, provided the certificate is not given to the wagon and pieces are re-weighed; and whenever any hay, straw, fodder, or oats in the straw shall be weighed by the package or bundle, it shall be the duty of the weigher to allow five pounds of wood to each one hundred pounds of hay; the gross and net weight in the body of the certificates given by the weigher shall be written at full length, and shall be set down in figures in the margin of said certificate.

7. The above articles shall be weighed and sold at the rate of one hundred pounds for every hundred-weight; in all cases the weigher and deputies shall be sworn, and the weigher shall make a sworn quarterly return of the true amount received in each and every quarter, and the amount of each in each quarter, and the quarters shall be construed to be and terminate severally on the thirty-first of March, thirtieth of June, thirtieth of September, and thirty-first of December, in each and every year; and if either of the weighers shall fail to make the returns required by this act for a longer period than ten days after the expiration of each quarter, it shall be the duty of the governor to annul the privilege of said weigher or weighers; and it shall be his duty also to

make any allowance he shall think just on account of the hay, and so forth, being wet; and for each and every breach of law, not otherwise provided for by either of the weighers of hay, straw, fodder, or oats in the straw, he shall pay a sum of not less than two nor more than ten dollars.

8. The sealers of weights and measures shall quarterly examine and adjust the hay scales, and shall be paid one dollar by each weigher of hay for such services, and the attention of the police shall be directed, and they shall be required to note and make report of all violation of this law.

9. Annually, on or about the tenth day of July, the governor shall, after at least five days' public notice, sell to the highest bidder the exclusive right and privilege of using public scales, for weighing all hay, straw, fodder, and live cattle which may be sold in said District of Columbia, which said right or privilege shall continue only for the term or period which may be designated at the time of said sale, but not exceeding two years.

10. The person or persons who shall be the highest bidder or bidders at such sale or sales, and who shall thereby become entitled to said right or privilege, as aforesaid, shall, before entering upon the duty of weigh-master, deposit to the credit of the general fund the amount or amounts so bid by him or them, and take and subscribe to the following oath or affirmation before some person authorized to administer the the same, to wit:

"I, ————, of the District of Columbia, do solemnly swear (or affirm, as the case may be) that I will faithfully, truly, and impartially, according to the best of my judgment and ability, execute and perform all the duties of the weigh-master which are or may be prescribed by law;" which said bond shall be filed in the register's office; and the said weigh-master shall also give bond, with two sureties, approved by the governor, in the penal sum of two thousand dollars, conditioned to pay all damages that may be sustained by reason of willful omission, refusal, or neglect to discharge the duties of his office, which are or may be prescribed by law, which bond shall also be filed in the register's office, and may be sued upon by any person injured or damaged by any such willful omission, refusal, or neglect.

11. The said weigh-master is authorized to charge and receive for the weighing of hay, straw, and fodder, the rate of charge prescribed by law and no more; and for weighing live stock at the rate of one cent per hundred pounds; which said several fees or charges shall be paid by the seller, and the said weigh-master shall not receive any other or greater fees or charges, under penalty of five dollars for every offense.

12. The said weigh-master or weigh-masters shall keep the scales in all proper and needful repair during the term or period for which the right or privilege may have been given, and any neglect or omission to provide for such repairs shall operate as a forfeiture of said right or privilege, and the same may again be sold for the benefit of the District of Columbia for the said unexpired period.

13. It shall not be lawful for any person or persons to sell or offer for sale any hay, straw, fodder, or live stock, except horses, mules, milch-cows, and calves, in the District of Columbia, without having the same weighed, as aforesaid, and a certificate of the weight thereof obtained, under the penalty of five dollars for each and every offense.

14. The governor is authorized to dispose of the public scales in the several markets in the same manner as is herein provided for, disposing of the scales for weighing of hay, straw, and fodder, and for the same

time and upon the same conditions, the party or parties taking the said scales to be under the same instruction, requirements, oaths, and bonds as are required of the weigh-master or weigh-masters heretofore mentioned; and it shall be the duty of the governor to fix upon, and have printed, a scale or tariff of fees, and charges for weighing articles in the said market scales, provided said scale of prices shall be approved by the legislative assembly, which said tariff shall be kept conspicuously posted near the scales, under a penalty of five dollars for each and every neglect, to be paid by the person renting the same, the non-payment of which shall operate as a forfeiture of his contract for said scales.

15. It shall not be lawful for any person or persons to sell cut hay in any other manner than by weight, and any person or persons offending against this law shall forfeit and pay to the District of Columbia the sum of three dollars for the first, and five dollars for each and every subsequent offense; all fines to be collected and applied as other fines forfeited to the District of Columbia.

16. It shall be the duty of each and every weigh-master to attend when required so to do by either the buyer or seller, and see fairly measured, and make a correct record, upon his individual responsibility, of each and all kinds of grain, bran, shorts, and shipstuff which may be brought by water into this city and sold or delivered within his district, by the cargo, or in quantities exceeding fifty bushels.

17. It shall be the duty of each and every weigh-master to keep a book in which he shall regularly make entry of the quantity of grain, bran, shorts, and shipstuff so measured, of the time of measurement, the name of the vessel and master, the seller's name, and to whom delivered; and which said book shall, within one month after the expiration of the year for which the appointment was made, be deposited and remain in the office of the register of this District; and all persons interested shall have free access thereto; and the register is authorized, when required, to give certificates therefrom, for which he shall be entitled to receive for each certificate twelve and one-half cents.

18. The weigh-master shall receive one-half cent per bushel for each and every kind of grain, bran, shorts, and shipstuff measured, provided the quantity does not exceed two hundred bushels, but if the quantity shall exceed two hundred bushels, the officer aforesaid shall receive one-fourth of a cent for each and every bushel over and above the said two hundred bushels, as a compensation for his attendance, from the person delivering the same.

19. Any person or persons delivering or receiving any kind of grain, bran, shorts, or shipstuff brought by water as aforesaid contrary to the provisions of this chapter, shall forfeit and pay for each and every offense a sum not exceeding ten dollars; one-half to be paid by the person or persons delivering, and the other half by the person or persons receiving the same.

20. It is made the duty of the weigh-master to furnish a certificate as a voucher to the purchaser or purchasers of the quantity for him or them measured of grain, bran, shorts, and shipstuff; and if the said officer shall neglect or refuse to attend to his duties when required by the buyer or seller, or their agents, he shall forfeit and pay a sum not exceeding ten dollars for each and every offense or neglect of his duties.

21. The duty of the said weigh-masters promptly to weigh and determine the gross weight of all beef cattle and hogs which may, after the date of his taking the oath and giving the bond hereinafter provided for, be carried alive or driven to the cities of Washington or Georgetown for sale or slaughter; and, further, to give a certificate, under his hand,

setting forth the actual gross weight of any number of cattle and hogs so weighed by him to the owner or his agent, and to keep a correct record in a suitable book of the number and weight of all beef cattle and hogs so weighed, and for whom, together with a true account of all receipts arising therefrom.

22. If the weigh-master shall omit or delay to weigh, or cause to be weighed, any live stock required by law to be weighed, for a time not exceeding twenty-four hours after he shall have been requested to weigh the same, he shall forfeit and pay, upon conviction thereof before the police court, to the owner of such live stock, or his agent, the sum of ten cents an hour upon each and every head thereof, for so many hours as he shall omit or delay to weigh the same over and above the term of twenty-four hours, Sundays excepted.

23. In case the weigh-master shall at any time, by reason of sickness or other cause, be unable personally to attend to the duties prescribed by law, or in case the number of live stock required to be weighed shall be greater than he can weigh without aid, then it shall be lawful for the weigh-master to appoint one or more persons as deputy weighers to act in his stead, or aid him, which persons shall be paid by the said weigh-master appointing them, and the said weigh-master shall be responsible for their acts, in the same manner as he would be if done or committed by himself.

CHAPTER XV.—COMMISSIONERS OF MARKETS AND MARKET-MASTERS.

1. There shall be two commissioners for the Eastern market, two for the Western market, two for the Northern market, and two for the Georgetown market.

2. There shall be four market-masters, one for each market, under the control of the governor of the District of Columbia.

3. The said commissioners shall have full power to make all regulations, so far as relates to the places at which the different articles brought to market shall be sold, and such other regulations as may appear to them expedient, not inconsistent or conflicting with the laws of this District regulating markets.

4. The annual compensation of the market-masters shall be as follows, namely: for the Northern Liberty market, eight hundred dollars; for the Western market, five hundred dollars; for the Eastern market, five hundred dollars; for the Georgetown market, five hundred dollars.

5. When the governor may deem necessary, he may appoint an assistant market-master for any market under the control of the government of the District of Columbia, at such rate of compensation, not exceeding three dollars per day, as he may consider proper.

6. The market-masters shall be subject to the direction of the commissioners of markets to which they may be respectively assigned. Unless prevented by sickness or unavoidable absence, they shall, during market hours, be present at the scale-houses, weigh all articles and provisions brought there for that purpose, see that violations of market regulations are corrected or prosecuted, and perform such other duties as may be prescribed.

7. Any market-master or assistant market-master refusing or neglecting to prosecute any person for violating any law of this District in relation to markets, shall forfeit and pay five dollars for each and every such neglect or omission; and the provisions of this law, and of all

other laws of this District in relation to the several markets, and the powers and jurisdiction of the market-masters of the same, shall extend and apply to the whole of the squares on which the market-houses are situated, and to fifteen feet of the avenues and streets, measuring from the curb-line on which said squares front.

CHAPTER XVI.—GAUGERS AND INSPECTORS OF SPIRITUOUS LIQUORS.

1. There shall be two gaugers and inspectors of spirituous liquors—one for, and a resident of, that part of the District of Columbia known as the city of Washington, and one for, and a resident of, that part of said District known as the city of Georgetown.

2. They shall, before they respectively enter on the duties of their office, make oath before some proper officer that they will well, truly, faithfully, and impartially execute and perform the duties required of them as gaugers and inspectors, to the best of their skill and judgment. which oath shall be filed in the office of the register.

3. It shall be the duty of said gaugers and inspectors to gauge and inspect all spirituous liquors and other liquid merchandise brought to this District for sale, by the gallon or quantity, and to mark and set down with marking irons, on the head of the vessel containing the same, the true number of gallons, according to the standard and excise of wine measure, which such vessel will truly contain; the deficiency, if any, to be marked with chalk; and the gaugers and inspectors shall bore one or more gimlet holes at or near the quarter-hoops of the vessels containing the spirits offered to be gauged, and ascertain whether the staves there are not thicker than they are at the bung-hole and chine; and, if thicker, to make the proper allowance occasioned by such extra thickness.

4. It shall also be the duty of said gaugers and inspectors to examine and inspect the quality of all liquors distilled from domestic materials brought to this District for sale by the gallon or quantity, and to ascertain, in the most correct manner, the strength and quality thereof, and to mark with marking irons the proof which the same may be found to bear on the head of the vessel containing the same, from the first proof upward; and if the same shall be less than first proof, it shall be marked with a round O, with a number of degrees under said proof.

5. The said gaugers and inspectors shall have and receive for gauging each vessel containing spirituous liquors not exceeding forty gallons, eight cents, from one to five; for each vessel above five, six cents; for each vessel not exceeding five, containing upward of forty gallons, twelve and one-half cents; and for each vessel over five, ten cents. For gauging vessels containing oil or molasses, the said gaugers and inspectors shall have and receive fifty per cent. in addition to the above allowance or compensation. For ascertaining the proof of liquors, they shall have and receive four cents for each vessel inspected and marked as aforesaid, to be paid by the seller; but in case of a re-inspection, if there shall be found no deficiency in quantity or quality, the fee shall be paid by the purchaser.

6. If any person shall alter any mark or number set down by the gauger and inspector, as aforesaid, for the purpose of deceiving or defrauding any person whatever, or shall put, or cause to be put, any false mark or number on any vessel, or shall suffer the same to be and remain on such vessel, for the purposes aforesaid, every such person shall for-

feit and pay twenty dollars for every such offense; to be recovered in the name of the District of Columbia.

7. If any person or persons shall sell any cask or casks of liquor without having been gauged by the gauger or gaugers appointed under the provisions of this chapter and in conformity with the provisions thereof, (unless the contents of the same shall have been measured in the presence of the seller and purchaser of the same, or by his or her agent or agents properly appointed,) he, she, or they so violating this act shall forfeit and pay the sum of ten dollars for each cask so sold; to be recovered and applied as other fines incurred by the violation of the laws of this District.

8. It shall be the duty of the gaugers and inspectors to examine all casks containing liquors distilled from domestic materials which may be brought to the District of Columbia for sale, and when, in the judgment of the said gauger and inspector, any cask shall be merchantable agreeably to the provisions of this act, he shall mark the same with the letter M with marking irons on the bulge near the bung-hole of such cask; and when the said gauger and inspector shall judge any cask to be defective in the make or the materials thereof, and unmerchantable, he shall mark the same with marking-irons on the bulge, near the bung-hole, with a broad arrow.

9. All merchantable casks shall be made of well-seasoned white oak, free from sap, sound at the bulge and heads; the staves thereof shall not be more than three-quarters of an inch thickness at the thickest part thereof, nor less than half an inch in the thinnest part thereof; and such casks shall be made tight and secured with twelve good and sufficient hoops on all barrels and hogsheads.

10. It shall be the duty of the said gaugers and inspectors to make returns on the first Monday of every January and July to the register of this District of the number of casks gauged and inspected by them, respectively, and the description of liquors contained therein, for the preceding half year, under a penalty of twenty dollars for each and every neglect; to be recovered as other fines are recoverable, and applied to the credit of the general fund; and it shall be the duty of the register to prosecute for all fines under this chapter.

11. The seventh preceding section shall not be construed to extend to any cask of liquor which shall have been gauged and inspected under authority and agreeably to the laws of any city or town within the United States from which the same shall have been brought, reserving, however, the right to the buyer or the seller to have the same re-inspected and gauged according to the terms laid down in the fifth section of this chapter.

CHAPTER XVII.—INSPECTORS OF FLOUR.

1. There shall be three inspectors of flour in and for the District of Columbia, who shall be competent judges of flour.

2. The said inspectors, before entering on the duties of their office, shall make oath or affirmation before some proper officer, that without favor, affection, malice, partiality, or respect of person, they will diligently and carefully view, examine, and inspect, to the best of their skill and knowledge, all flour required by this act to be inspected by them; that they will not pass, or cause to be passed, any barrels or half-barrels of flour which are not, in their judgment, clean, sweet, and merchantable, according to the directions of this act; also, that they

will not charge, ask, or take, or receive any other or larger fees for doing their duty as inspectors of flour than are mentioned and directed by this act, and will diligently and carefully view and examine all barrels and half-barrels containing flour; and that they will not mark or pass, or cause to be passed, any barrel or half-barrel of flour unless the barrel or half-barrel be of the size and quality required as by this chapter.

3. All barrels and half-barrels containing flour manufactured within the District of Columbia, or brought to the same for sale, shall be well made, of good, seasoned material, and tightened with ten hoops, sufficiently nailed, with four nails in each chine-hoop, and three nails in each upper bulge-hoop, and of the following dimensions, namely: The staves of all barrels to be in length not less than twenty-seven inches, the diameter at the head to be seventeen inches; the staves of all half-barrels to be twenty-two inches in length, and the diameter of the head thirteen inches. Flour barrels weighing not less than sixteen pounds, tared or marked on the branded head, shall be deemed merchantable. Every miller or bolter of flour shall provide and have a distinctive brand, or mark every barrel or half-barrel of flour before inspection, and the said inspectors are hereby directed to condemn any barrel or half-barrel which is not prepared agreeably to the directions of this chapter.

4. All flour and every barrel and half-barrel of flour manufactured within the District of Columbia, or brought to the same for sale, shall, by the manufacturer, be made merchantable and of due fineness, without false packing or mixture, and if there is any false packing or mixture the manufacturers or persons offering the same for sale or inspection shall forfeit and pay the sum of five dollars for each and every such barrel and half-barrel.

5. Every miller or bolter of flour shall put into barrels the quantity of one hundred and ninety-six pounds, and into half-barrels the quantity of ninety-eight pounds; and if any miller or bolter of flour shall pack any barrel or half-barrel with a less quantity of flour than by this act is required, he shall forfeit, if the deficiency be one pound, a sum not exceeding ten cents, and for every pound above one deficient twenty-five cents.

6. The inspector is hereby required, whenever he has reason to suspect any barrel or half-barrel containing flour to be falsely tared, to cause the flour to be started, and the barrel or half-barrel weighed; and whenever it shall appear that the barrels and half-barrels weigh more than they are marked by the miller or owner, the said miller or owner shall forfeit and pay for every such offense at the rate of twenty-five cents for every pound after the first that the barrel or half-barrel may improperly weigh, and shall moreover pay twenty-five cents for each and every barrel or half-barrel, unless, on examination, the tare should prove correct; then, and in that case, the cost and charges shall be paid by the inspector.

7. All and every barrel and half-barrel of flour manufactured in the District, or brought to the same for sale, shall be subject to the examination of the inspector, by boring, searching, and trying it through with an instrument not exceeding five-eighths of an inch in diameter, to be provided by the inspector for that purpose, who shall afterward plug up the hole with a round plug made of soft wood, so as to prevent the entrance of water, and if the inspector shall judge the same to be merchantable according to the directions of this act, he shall, at the time of inspecting, mark or brand on the head of every barrel and half-barrel

of flour, in letters one-half inch in length, the word "Georgetown," if inspected in Georgetown, and "Washington," if inspected in Washington, together with the word or words designating the degree of fineness which he shall, at the time of inspection, determine said flour entitled to, with the exception of the degree of superfine, which he shall mark or brand over the quarter; and the several degrees in quality shall be distinguished as follows: Family, extra, superfine, fine, and first middlings. And for the inspection of which the said inspector shall have and receive of the owner or agent of said flour, for each and every barrel and half-barrel, two cents and two drawings of flour for all inspected in Washington, and one cent and one drawing of flour for all inspected in Georgetown; and every barrel or half-barrel of flour which shall prove, on examination thereof, to be unmerchantable, according to the true intent and meaning of this act, the said inspector shall mark on the head with a broad arrow, and no barrel or half-barrel of flour, not examined and branded by the inspector as aforesaid, shall be sold within the District, under penalty of one dollar for each and every barrel or half-barrel, to be paid by the person or persons so offending.

8. The governor shall appoint three good and competent judges of flour—practical millers, bakers, or flour-merchants—two of whom shall be residents of Georgetown, and one a resident of Washington, as commissioners of flour inspection, whose duty it shall be, monthly, to select a standard for each grade of flour named in the seventh and eleventh sections of this chapter, and each commissioner shall keep a standard of each grade for the examination of the inspectors, for their government in inspecting.

9. When any person shall think himself aggrieved by the judgment of the inspector, it shall be lawful for him, within six days, to apply to the commissioners of inspection, who shall immediately view and carefully examine the same, and if a majority of such commissioners declare the quality different from that adjudged by the inspector, the brand or broad arrow shall be erased, and the inspector required to put on such brand as they shall adjudge and determine, the cost of such review to be paid by the inspector; but should the judgment of the inspector be confirmed, then, and in that case, the owner shall pay the costs of the review, and each commissioner shall be entitled to receive the sum of five dollars for his services.

10. The inspector is authorized to require the cooperage of any wet or light flour which he may inspect, in order to make it merchantable; and no inspector shall purchase, directly or indirectly, any flour other than for his own use, under a penalty of ten dollars for each barrel or half-barrel purchased.

11. In addition to the grades of flour established by the seventh section of this chapter, there is hereby established two grades of rye-flour, namely, first and second quality; and it shall be the duty of the inspector to brand or mark under the inspection-mark the words "rye-flour" on all flour made of this grain.

12. Any person who shall alter, erase, or deface the mark or brand made on any barrel or half-barrel of flour by the inspector, or shall mark or brand any barrel or half-barrel which has not been inspected with any mark or brand similar to or in imitation of that made by the inspectors, or after the inspector shall have passed any barrel or half-barrel of flour as merchantable, should add any mark or brand designating a quality different from that determined upon and made by the inspector, or shall pack into said barrel or half-barrel of flour that shall be branded or marked with the broad arrow, shall unpack and repack

the same in other barrels or half-barrels, or shall in any manner pack flour into barrels or half-barrels already branded, without erasing therefrom the marks or brands, such person or persons shall forfeit and pay the sum of five dollars for every such offense.

13. Before the inspectors shall enter upon the execution of their office they shall each give bond, with security, to be approved by the governor, in the sum of two thousand dollars, for the faithful performance of the duties of their office.

14. The fines and penalties imposed by this chapter shall be recovered as other fines are recovered for the use of the District of Columbia.

CHAPTER XVIII.—INSPECTORS OF SALTED PROVISIONS.

1. There shall be two inspectors of salted provisions in and for the District of Columbia, who shall be persons well skilled in the quality and curing of beef and pork.

2. It shall be the duty of the said inspectors to inspect each and every barrel and half-barrel of beef and pork, whether packed in or brought into the District of Columbia for sale: *Provided*, That inspection by one inspector only shall be sufficient.

3. All barrels in which beef or pork shall be packed shall be made of good seasoned white-oak timber, the length of the staves twenty-eight inches, diameter of the head seventeen and a half inches, diameter of the bilge twenty-one and a half inches from out to out, and shall be sufficiently tight to hold pickle; to be full-hooped, except a space of not more than eight inches from hoop to hoop along the bilge, no hoop less than one inch at the small end, and the croze cut not more than one inch and a quarter from the end of the stave; and no stave shall be less than half an inch thick, and half-barrels shall correspond with these dimensions, except in thickness; and beef and pork shall not be inspected unless in barrels or half-barrels of such description.

4. Every barrel of beef or pork shall contain not less than two hundred pounds of beef or pork, as the case may be, and every half-barrel half that quantity, under a penalty of fifteen cents per pound for any deficiency under six pounds, and thirty cents per pound for every pound over six; and there shall be packed with every barrel of beef or pork at least one bushel of good coarse salt, and with every half-barrel half that quantity; and every cask shall be filled with clean strong pickle, and the name of the owner or packer shall be branded or painted in oil on the head of every cask packed in this District with letters not less than three-quarters of an inch in length.

5. The first quality of pork shall be denominated "mess pork," and shall consist entirely of the middlings of good fat hogs. The second quality shall be denominated "prime pork," and shall be packed from good fat hogs; both heads of the cask to be filled with middling pieces not less than four inches wide, and not more than four shoulders, three jowls, and three tail-pieces shall be allowed to a barrel. The third quality, to be designated "cargo pork No. 1," shall consist of not more than four jowls or two heads, (with ears and noses off, brains out, and well cleansed from blood,) and three tail-pieces; the top head to be filled with middlings from four to five inches wide, and the weight to be made up with shoulders or hams; and any inferior pork shall be designated "cargo pork No. 2," or "refuse pork," as the inspector may think proper.

6. The first quality beef shall be designated "mess-beef," and shall consist of a proportion of plate, brisket, rump, sirloin, the thick part of one round, veiny pieces, and the rib from the outer edge of the shoulder-blade of heavy, fat cattle. The second quality shall be designated "prime beef," and shall consist of an equal proportion of fore and hind quarters of good, fat cattle, without shins or necks. The third quality shall be designated "cargo beef No. 1," and shall consist of a proportion of fore and hind quarters of inferior cattle, or of coarse pieces of prime cattle, with not more than four shins and two necks to a barrel; and any inferior beef shall be condemned.

7. The inspector shall brand or mark, in oil letters, every cask of merchantable beef or pork packed in the District, "District of Columbia packed," and with the quality, weight, month, year, and his name; and every cask not packed in this District, "District of Columbia," as also with the quality, weight, month, year, and his name. And the said inspector shall condemn every cask of unsound or unmerchantable beef or pork, and mark the same with a broad arrow with a marking-iron.

8. No salted beef or pork in casks shall be sold in or transported from this District, or laden on board any ship or vessel, or vehicle, to be transported therefrom, whether in the ship or vessel in which the same was brought into the District or not, until the same shall have been inspected, under a penalty of not more than ten nor less than two dollars for every cask; and no beef or pork marked with a broad arrow shall be transported or laden as aforesaid, under a penalty of twenty dollars for each cask.

9. If any person shall alter, erase, or deface, so as to render it illegible, the mark or brand of the inspector upon any cask of beef or pork, or shall mark or brand any cask with any mark or brand similar to or in imitation of the inspector's mark or brand, or, after the inspector shall have passed any cask of beef or pork as merchantable, shall pack therein any other salted provisions for sale, or, after any cask shall have been marked with a broad arrow, shall repack the provisions therein contained into other casks, and shall sell or export, or attempt to sell or export, the same, such person shall forfeit and pay not more than twenty nor less than ten dollars for every cask.

10. If any person shall think himself aggrieved by the judgment of the inspector, he or she may apply to the judge of the police court, who shall issue his warrant to three disinterested persons skilled in the quality and curing of salted beef and pork, one of whom shall be named by the party appealing, one by the inspector, and the other by the said judge, directing them to review and examine the same, and the inspector shall put such brand thereon as they, or any two of them, may direct; and each of said reviewers shall be entitled to fifty cents for his services, to be paid by the party appealing, if the judgment of the inspector shall be confirmed; otherwise by the District of Columbia.

11. The inspector shall not, directly or indirectly, be concerned in the purchase of beef or pork, except for use and consumption in his family; nor shall he be concerned, directly or indirectly, in the sale of any beef or pork in barrels or casks, nor in the vending or coopering of casks, nor in the vending of any salt used for the purpose of packing or repacking any beef or pork, under a penalty of twenty dollars for each offense. And if said inspector shall refuse, or shall unreasonably neglect or delay to discharge the duties devolved on him by virtue of his office, (he being personally required to discharge them,) he shall for every offense forfeit and pay five dollars.

12. In case of absence from the District of an inspector, or of any

inability on his part promptly to discharge the duties required of him, the governor is directed to appoint a deputy inspector for such time as he may think proper; which deputy shall discharge the duties, be subject to the penalties and restrictions, have the powers, and be entitled to the compensation provided for the inspector.

13. The inspector shall be entitled to the sum of twelve and a half cents for each barrel or half-barrel he may inspect as a compensation for his services, and also to the further sum of twenty-five cents for each cask he may empty and weigh for the purpose of ascertaining whether it contains the quantity of beef or pork required by law.

14. The foregoing provisions shall not apply to beef or pork put up under contract for the Army or Navy of the United States.

15. Every half-barrel, barrel, or larger vessel containing salted fish brought to the District, or put up within the same for sale or exportation, shall be inspected by the inspector before sale or exportation or transportation, or before it shall be laden on board any vessel or vehicle for exportation or transportation from the District, in doing which he shall open one of the heads; and all half-barrels, barrels, or larger vessels containing and being completely filled with sound, sweet, and well-cured salted fish, and which, in the opinion of the inspector, will so continue during the year, shall be passed by said inspector; and he shall brand or letter the same with oil paint, with the word "shad," or "herrings," (as the case may be,) as also with the word "gross," or "net," and his name, and the words "District of Columbia," and the month in which he inspected the same; and he shall also distinguish the quality by the numbers one, two, or three; and if the half-barrel, barrel, or vessel be not completely filled with fish, it shall be the duty of the inspector to fill up the same with fish of like quality belonging to the same person, if he have more barrels than one; if not, to purchase a sufficient quantity at his expense for that purpose; and for every barrel thus filled he shall be entitled to the sum of twelve and a half cents, in addition to the fee for inspection.

16. Every half-barrel, barrel, or larger vessel containing salted fish which the inspector may adjudge to be unsound or unmerchantable, he shall condemn, and mark with a broad arrow; and it shall be the duty of the person in whose possession or custody fish so adjudged unsound may be, to remove the same out of the city within six days from condemnation, under a penalty of two dollars for each barrel, half-barrel, or larger vessel.

17. Fish shall be well and closely packed, and, if brought to the District after being packed, the person bringing the same shall, within forty-eight hours after arrival, report to the inspector, under a penalty of one dollar for every half-barrel, barrel, and larger vessel so brought and not reported.

18. Any person thinking himself aggrieved by the judgment of the inspector may apply to the judge of the police court, who shall issue his warrant to three disinterested persons skilled in the curing of fish, one of whom shall be named by the party appealing, one by the inspector, and the other by the said judge, with instructions carefully to review and examine the same; and the inspector shall be governed by the decision of any two of such reviewers, each of whom shall be entitled to twenty-five cents for his services, to be paid by the party appealing, if the judgment of the inspector be confirmed; otherwise by the District of Columbia.

19. If any person shall export, or transport, or load on board any vessel or vehicle for exportation or transportation, any fish which may have been condemned, or shall sell, or attempt to sell, export, transport.

or load on board any vessel or vehicle, to be exported or transported, any fish which shall not have been inspected and passed as aforesaid, such person shall forfeit and pay not less than two nor more than ten dollars for each and every half-barrel, barrel, or other vessel so unlawfully exported, transported, laden, sold, or attempted to be sold.

20. If any person shall alter, deface, or counterfeit the mark or brand of the inspector, or, after the inspector shall have passed and marked any half barrel, barrel, or other vessel, shall pack into the same any other fish, and pass or attempt to pass the same as inspected fish, each and every person so offending shall forfeit and pay the sum of ten dollars for each half-barrel, barrel, or other vessel in which such frauds shall be committed or attempted to be committed; but any person may nevertheless convey away for sale any condemned fish for manure, or to be otherwise destroyed.

21. All half-barrels, barrels, or larger vessels containing fish for sale, whether brought to or put up within the District, shall be made of good, sound, seasoned wood, suitable for the purpose, sufficiently tight to contain pickle, and shall each have not less than twelve good sound hoops, each chine and each bilge hoop to be nailed with three nails, of all which the inspector shall be the judge, as well as of their sufficiency safely to contain the fish and pickle within the same; and he shall not inspect any barrel which he does not deem thus sufficient.

22. The inspector is fully authorized and empowered to take and retain in his possession such number of casks of fish as he may deem sufficient for the payment of fines that may have, in his opinion, accrued under this chapter against the owners thereof, and if judgment shall be rendered for such fines, to deliver the casks so retained to the proper officer executing the process.

23. If the inspector shall refuse or unreasonably neglect or delay to discharge the duties required of him as inspector of fish, (he being previously required to attend to the same,) he shall, for every offense, forfeit and pay five dollars; and he shall not deal or trade in salted fish, except for his family use, under a penalty of two dollars for each half-barrel or barrel he may buy or sell; and for every half-barrel, barrel, or vessel he may inspect, he shall be entitled to the sum of ten cents, to be paid by the owner thereof.

24. No salted beef, pork, or fish which may have been inspected and passed any well-regulated inspection in the United States, shall be subject to inspection by the officer appointed on behalf of this District.

CHAPTER XIX.—INSPECTORS AND WEIGHERS OF COAL.

1. There shall be three inspectors and weighers of coal—two for, and residents of, Washington, and one for, and a resident of, Georgetown.

2. The inspectors and weighers of coal shall give bond in the sum of one hundred dollars, with security, to be approved by the governor, conditional for the faithful performance of their duties, and shall take an oath or affirmation faithfully to discharge the duties of their office.

3. It shall be the duty of the inspectors and weighers of coal to weigh all coal brought to this District, when called upon, which coal shall be sold by weight, and two thousand two hundred and forty pounds shall be the standard for the ton, by which the same shall be weighed.

4. It shall be the duty of the seller of coal to furnish to the driver of

each dray, cart, or other vehicle used for hauling such coal, a card or ticket, which shall indicate on its face, in plain characters, the quantity of coal contained in such dray, cart, or other vehicle, and also the weight of such cart, dray, or other vehicle; and any person violating said provision, or being found carrying coal which shall not be furnished with such card or ticket, shall be liable to a fine of not less than five nor more than ten dollars for every such violation.

5. It shall also be the duty of the inspectors and weighers of coal, whenever they may have reason to believe that the quantity of coal in such dray, cart, or other vehicle will not correspond with the amount indicated on the card or ticket aforesaid in the possession of the driver, owner, or agent of such load of coal, to cause the said load of coal to be weighed upon any lawful scale used for weighing coal for sale, most accessible for that purpose; and if, upon the weighing thereof, it shall be found that such load of coal shall be sufficiently in excess of, or less than, the net amount indicated upon such card or ticket to furnish to said inspector evidence of fraud, then the driver, owner, or agent furnishing such load of coal, shall be liable to and shall forfeit and pay to the District of Columbia a fine of not less than five nor more than fifteen dollars for each and every offense, and the inspector shall be entitled to receive for each load found incorrect a fee at the rate of twenty-five cents per ton, payable by the seller or driver of such coal, with costs of weighing and handling the same; the fine to be collected the same as other fines imposed.

6. If, upon weighing such coal, it shall be found that the amount of coal indicated on said card or ticket is correct, or so near correct as not to indicate any evidence of fraud, then the driver or owner of said coal shall not be liable to any expense or fee for reweighing such coal.

7. All persons licensed to sell coal in the District of Columbia shall keep in his or their yard, for the inspectors of coal, a suitable set of scales and weights sufficient to weigh at least eleven hundred and twenty pounds at one time, and which, before use, shall have been tested and found correct by a sealer of weights and measures.

8. If any person or persons licensed as aforesaid shall sell and deliver any coal which shall not have been first weighed by one of the coal inspectors of the district, unless the buyer shall have previously agreed to dispense with such weighing, he shall be liable to a fine of not less than three nor more than five dollars for every such violation.

9. If any person owning or keeping a scale for weighing coal for sale, or any other person, shall refuse to allow the use of said scale, or hinder any authorized inspector from weighing said coal, he shall be liable to a fine of not less than ten nor more than twenty dollars for every such violation.

10. The said inspectors and weighers shall keep an office in some convenient place in the vicinity of the principal coal-yards in the cities of Washington and Georgetown, where they can be found, for the performance of the duties of their office.

11. The weighers of hard coal shall, from time to time, as often as once a month, carefully examine, try, and prove all scales used by them or under their superintendence, for weighing hard coal; and if, upon any examination and trial, it shall be found that such scales are not conformable to the legal standard, they shall give immediate notice thereof, in writing, to the owner or keeper of said scales, therein requesting him to have the same regulated and sealed forthwith.

12. In case said owner or keeper shall refuse or neglect to have the same tried, proved, and sealed by the public sealer of weights and

measures for the space of twenty-four hours after such notice, it shall be the duty of said weigher forthwith to give notice thereof in two daily papers of said district.

13. Said weighers are hereby forbidden from using said scales or certifying the weight of coal weighed therewith until the same shall have been tried, proved, and sealed as aforesaid; and for any neglect of duty aforesaid, or violation of the provisions of this chapter, said weighers shall forfeit and pay not less than two dollars for each load of coal he shall weigh therewith until the same shall be sealed as aforesaid.

14. The inspectors of coal shall be entitled to receive, for any coal they may be called upon to weigh, a fee of ten cents per ton, payable by the seller of such coal, and an additional sum of two hundred dollars per annum each, to be paid by said District of Columbia.

CHAPTER XX.—INSPECTORS AND MEASURERS OF WOOD.

1. There shall be five inspectors and measurers of wood—four for, and residents of, that part of the District of Columbia known as the city of Washington, and one for, and a resident of, that of part of said District known as the city of Georgetown.

2. The said inspectors and measurers of wood, previous to entering upon the discharge of their duties, shall each give bond in the sum of one hundred dollars, with surety, to be approved by the governor, conditioned for the faithful discharge of the duties imposed upon them by law, and shall also take and subscribe an oath or affirmation, before some proper officer, to faithfully discharge the duties of their office.

3. The governor is hereby authorized, in case of the sickness, absence, or temporary inability of either of the inspectors and measurers of wood of this District, to appoint suitable persons to perform all the duties of such inspector and measurer during such sickness, absence, or temporary inability; and each and every person so appointed shall comply with all the requisites of law, and be subject to all the conditions and penalties prescribed in the case of regularly-appointed inspectors and measurers of wood.

4. All wood brought to the city, as aforesaid, for sale, shall be of the following description, that is to say, sound and free from decay or hollowness, at least four feet in length, including one-half of the kerf, and not less than two inches diameter at the small end. It shall be set up, packed, and corded, under the direction of the inspector and measurer of wood, and shall be measured by him; every cord of wood shall be eight feet in length, four feet in breadth, and four feet four inches in height, well stowed and packed; the straight wood to be placed together in the lower part of the pile, and the crooked wood in the upper part of the pile; and the said inspectors and measurers are hereby directed to make the proper allowance for any loss which may be sustained in the measure of the crooked wood; all undersized, hollow, or decayed wood shall be corded separately and apart by itself, and sold as unmerchantable. All wood brought to this District by land shall be subject to the same regulations, excepting such as may be sold by the wagon, cart, dray, or sledge load.

5. The inspectors and measurers, for their trouble in examining and measuring the same, shall receive nine cents for every cord of wood so examined and measured by them, to be paid by the seller of such wood; and the said inspectors and measurers shall not cord any wood not of the length aforesaid, but the same shall be rejected as unmerchantable.

6. If any person bringing or sending any firewood to this District for sale, shall sell and deliver the same before it has been corded and measured as aforesaid, except as aforesaid, or shall neglect or refuse to have the same corded and measured, such person shall forfeit and pay two dollars for the use of the District for every cord of wood so sold and delivered; and if any person or persons shall purchase and receive any firewood brought to the District of Columbia for sale, except as aforesaid, which has not been corded, measured, and passed by one of the said inspectors and measurers aforesaid, such person or persons shall forfeit and pay two dollars for the use of the District for every cord of wood so purchased and received.

7. The inspectors and measurers of wood who shall be appointed under this chapter shall not, during their continuance in office, deal or traffic in the aforementioned articles, under a penalty of twenty-five dollars for each and every such offense; nor shall any person employed in the service of a wood or coal dealer be eligible to the office of inspector and measurer of wood.

CHAPTER XXI.—INSPECTORS AND MEASURERS OF LUMBER.

1. There shall be five inspectors and measurers of lumber—four for, and resident of, that part of the District of Columbia, known as the city of Washington, and one for, and resident of, that part of said District known as the city of Georgetown.

2. It shall be the duty of said inspectors and measurers of lumber to inspect and measure all boards, plank, joist, scantling, and timber brought to and offered for sale in this District when and soon as the same shall be sold.

3. Each of the said inspectors and measurers of lumber shall, before entering on the duties of his office, enter into bond in the sum of one hundred dollars, with surety, to be approved by the governor, conditioned for the faithful performance of the duties of his office, and shall take and subscribe an oath or affirmation before some proper officer faithfully to discharge the duties of his said office.

4. It shall be the duty of the inspectors of lumber to cut in legible figures the number of feet contained in each board, plank, joist, scantling, or timber, by the rule of board-measure, except boards under one inch thick, which shall be measured on the surface and marked accordingly; all unsound, worm-eaten, irregularly sawed, wind-shaken, mildewed, or very knotty boards, scantlings, joist, or other timber, or any part thereof that may be, in the opinion of the measurer, unfit for use, shall be condemned, and left out of the count.

5. No inspector shall be permitted to purchase, or appoint any deputy to purchase any lumber for him, except for his own use, on pain of forfeiting his office.

6. The said inspectors shall be entitled to receive, as compensation for inspecting, measuring, and marking, the sum of thirty cents per one thousand feet board-measure, one-half to be paid by the buyer and the other half by the seller.

7. Any person or persons buying or selling lumber contrary to this chapter, shall, on conviction thereof, forfeit and pay, for every offense, the sum of twenty dollars to this District, to be recovered as other fines and penalties are by said District.

8. It shall be the duty of the said inspectors, severally, to make returns and report half-yearly to the register the quantity in square feet of the several kinds of lumber inspected by him or them.

TITLE X.—OF PUBLIC HEALTH AND REGISTRY OF BIRTHS AND DEATHS.

CHAPTER I.—LAWS RELATING TO HEALTH.

1. The manufacturing or selling of adulterated medicines; or administering medicines under a false title; or selling poisons for other than artistic or mechanical purposes, without the prescription of a physician; or keeping poisons without a distinct mark of "poison" on the bottle or package; or dispensing medicines without being a qualified pharmaceutist, shall be deemed to be nuisances injurious to health; and any person or persons who shall manufacture, sell, or put up any medicine or drug fraudulently adulterated; or who shall administer any such medicine or drug under a false or deceptive title or pretext; or shall knowingly ascribe to such article or articles properties of which they are not really possessed; or shall sell any poisonous medicine or substance except upon the prescription of a physician; or shall fail to mark any vial, box, or package containing such poisonous medicine or substance with the word "poison," in large and distinct characters; or shall allow other than a competent pharmaceutist, who shall either have obtained a diploma from a school of pharmacy, or a certificate from the Columbia Pharmaceutical Association, to prepare, put up, or compound such poisons as the following, viz: Arsenic and its preparations; bichloride, biniodide, and binoxide of mercury; tartarate of antimony and potassa; cyanide of potassium, prussic acid, oil of bitter almonds; chloroform and chloral hydrate; ergot, cotton-root, oil of savin, and other powerful emenagogues and ecbolics; opium, nux-vomica, veratrum viride, and digitalis and their preparations, lactucarium, euphorbium, and elaterium; aconitia, ætropia, codeia, conia, daturia, nicotia, digitaline, strychnia, veratria, and their salts; croton-oil, the extracts and tinctures of aconites, belladonna, calabar bean, cannabis indica, conium, and hyoscyamus, and all other powerful and poisonous drugs, and who shall continue such act after a notice duly served upon him or them by an officer of the board of health, empowered to serve such notice, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

2. Any wells, springs, or waters used for the purpose of drink which have been rendered impure or unwholesome, shall be deemed nuisances injurious to health; that any person or persons who shall willfully and maliciously render impure or unwholesome any spring, well, or river water used for drinking purposes, by the addition of any defiling or poisonous substance or substances, or in any manner willfully obstruct the ordinary supply of water, to the injury or damage of the public health, and who shall continue such act after a notice shall have been duly served upon him or them by an officer of said board, duly empowered to serve such notice, shall be deemed guilty of keeping and maintaining a nuisance, and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars.

3. Dead, undressed, and unslaughtered animals shall be deemed nuis-

ances injurious to health, if left, kept, rendered, or tried out within one mile of any city or town of the District of Columbia; and that any person who, being the owner or controller of dead, undressed, and unslaughtered hogs, cattle, or other animals, or animal matter, within the District of Columbia, shall fail, within twenty-four hours after the death of said animals, or of their arrival in said locality, to remove the same or bury them beyond the limits of the cities of Washington and Georgetown; and any person who shall render or try out such dead, undressed, or unslaughtered hogs, cattle, or other animals, or animal matter, within one mile of the limits of either of the said cities or towns of the District of Columbia, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars; and whenever any person, being the owner or controller of said animal or animal matter, shall fail to remove the same as above, after notice shall have been duly served upon him by an officer of said board, duly empowered to serve such notice, the proper officer or his deputies shall immediately take possession of the offensive article or articles, and remove the same at the expense of said owner or controller.

4. Unsafe, badly-ventilated, badly-drained, or damp buildings or dwellings, shall be deemed nuisances injurious to health; and any person who shall, after the passage of this act, construct, or cause to be constructed, any building for private or public use, which is composed of defective materials, and marked by bad or careless workmanship to the extent of rendering the same unsafe, or shall neglect the means of proper ventilation, light, drainage, or any other provision essential to the health of the tenant or tenants of such building, or those residing temporarily, or having business therein, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than ten nor more than five hundred dollars; and any person who shall rent or lease any building or part of a building for residence or sleeping purposes, which is known to be deficient in strength, or defective in ventilation, light, or sewerage, to an extent likely to prove injurious to health or safety, or shall rent or lease any place for a sleeping apartment or residence not at least one foot above any part of the sidewalk or curbstone of the street adjacent, or which is not dry and free from dampness, and all offensive gases, vapors, or odors prejudicial to health, and who shall fail, after having been duly served with notice, to discontinue such act, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars.

5. Overcrowded tenement, lodging, or boarding houses, hotels, or manufactories, shall be deemed nuisances injurious to health; and any person owning, renting, leasing, or keeping any tenement, lodging, or boarding house, hotel, or manufactory, who shall cause or permit the same to be crowded with a larger number of tenants, guests, or operators than the capacity of the building will properly accommodate, and thus cause detriment or danger to the life or health of the occupants thereof, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars.

6. Any building used for a theater, public hall, or public assemblage for the purpose of amusement or otherwise, not provided with sufficient means of egress and ingress, or obstructing the aisles or passage-ways of such buildings while a collection of people are assembled therein, shall be deemed nuisances injurious to health; and any person or corporation owning, renting, leasing, or keeping any theater or other public hall, who

shall allow the same to be so defective in construction or insufficient in the number and capacity of its modes of ingress or egress, or uncleanly, badly ventilated, or in any other condition prejudical to health, whereby peril may result to any person or persons attending such theater or hall, or shall allow the aisles to be obstructed by chairs or benches, or by persons standing in the aisles, thus preventing a ready egress, in case of fire or other accident, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

7. Any house or building where people live or assemble, which is not furnished with a sufficient number of water-closets or privies, shall be deemed a nuisance injurious to health; and any person owing, renting, leasing, or keeping any tenement-house, boarding house, lodging-house, or manufactory, who shall fail to furnish, or to cause to be furnished, for the same, a sufficient number of water-closets or privies, properly lighted and ventilated, and free from offensive smells or noxious gases, and who shall fail to furnish such water-closets or privies after notice shall have been duly served upon him, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than twenty-five dollars.

8. Overheating, overcrowding, insufficiency of food or drink, or want of proper ventilation, light, and drainage in any jail, prison, house of correction, alms-house, or station-house, shall be deemed nuisances injurious to health; and that any person who, in his capacity as the officer in charge of, or having authority in any jail, prison, house of correction, alms-house, or station-house, where any person or persons may be kept or confined, shall, by overheating or overcrowding any apartment or apartments thereof, or by rendering them uncomfortably hot or cold, or by providing insufficient food or drink, or by omitting proper ventilation, light, or drainage, or in other respects neglecting suitable care for, and protection of, the occupants thereof, prejudice the health or endanger the life of such occupants, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars.

9. Filth and dirt left in the streets and gutters of the cities of Washington and Georgetown shall be deemed a nuisance injurious to health; and any person who, contracting to clean or purify any street or streets, shall fail to clean out the gutters and other parts thoroughly, by scraping or otherwise, before water is let in to wash the same, or shall cause the substance that may be scraped away to be washed or carried into the sewer or into any receptacle connected therewith, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than ten dollars.

10. Inadequate and insufficient drain-pipes, soil-pipes, or passages into sewers, shall be deemed nuisances injurious to health; and any person or persons, whether owner, tenant, board, department, or corporation officer, using or possessing any drain-pipe, soil-pipe, passage, or connection between any sewer and any ground, building, or place of business, who shall fail to make such drain-pipe, soil-pipe, passage, or connection of adequate and sufficient size to allow the free and entire passage of all that enters or should enter the same, and who shall fail, after notice duly served upon him, to supply such pipes of adequate and sufficient size, shall be deemed guilty of keeping and maintaining a

nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than ten dollars.

11. Decayed vegetable or animal matter, filth, or poisonous substance, cast, thrown, or placed into any public reservoir, water-pipe, or stream within the District of Columbia, shall be deemed a nuisance injurious to health; and any person who shall cause or allow any animal, vegetable, or other substance, in a state of decay, to pass into any public reservoir or water-pipe, or into any border or margin thereof, or excavation or stream connected therewith, or shall in any way render water or other liquid used for drinking impure, or allow the same to be done by any person in his employ, and who shall fail, after due notice, to discontinue or remove the same, shall be deemed guilty of perpetrating, keeping, and maintaining a nuisance, and, upon conviction, shall be punished by a fine of not less than five nor more than twenty dollars.

12. Hog-pens within the limits of the cities of Washington and Georgetown, at a distance of less than one hundred feet from any dwelling-house, and filthy hog-pens, shall be deemed nuisances injurious to health; any person owning, renting, or leasing any building or property within the city limits of Washington or Georgetown, who shall construct or keep any pen, in which hogs are kept or intended to be kept, at a less distance than one hundred feet from any dwelling or lodging house, or shall fail to keep such pen clean, by scraping, washing, and using disinfectants, and who shall fail, after notice duly served upon him, to remove the same, shall be deemed guilty of keeping and maintaining a nuisance, and shall, upon conviction, be punished by a fine of not less than five nor more than twenty-five dollars.

13. Unclean and unwholesome stables, sheds, or pens, or places where animals are kept, and any animals affected by glanders or any other contagious diseases, shall be deemed nuisances injurious to health; and any person keeping or conducting any stable, shed, or place in which cows, horses, mules, hogs, or other animals are kept, who shall allow such stable, shed, or place to be in an unclean and unwholesome condition; or who shall fail to employ in such stable, shed, or place, at least once a week proper disinfectants; or shall allow any animal affected by glanders, or other contagious or pestilential disease, to remain in such stable, shed, or place, without an express permit from the board of health, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than two nor more than fifteen dollars.

14. Slaughter-houses, rooms, buildings, or places where cattle, sheep, hogs, or other animals are slaughtered, being kept in a filthy or unwholesome condition, shall be deemed nuisances injurious to health; and any person owning, renting, leasing, or occupying any yard, room, building, or other place where cattle, sheep, hogs, or other animals are slaughtered or dressed, who shall allow such yard, room, building, or other place to be in a filthy and unwholesome condition, or who shall fail at least once in twenty-four hours to thoroughly cleanse and purify the same, and to use suitable disinfectants at least twice a week, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction, shall be punished by a fine of not less than five nor more than twenty dollars.

15. Slaughtering or dressing any cattle or other animal in any street, alley, avenue, or place within the limits of the cities of Washington and Georgetown, shall be deemed a nuisance injurious to health. And any person who shall slaughter or dress, or cause to be slaughtered or

dressed, any cattle or other animal, or any part thereof, in any street, avenue, sidewalk, alley, or place within the limits of the cities of Washington and Georgetown, shall be deemed guilty of perpetrating, keeping, and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars.

16. Unclean or filthy sikewalks, gutters, or premises shall be deemed nuisances injurious to health; and any person owning, renting, leasing, or occupying any house or building, who shall allow the same, or the sidewalks, gutters, or premises thereof, to be and remain in a filthy condition, and who shall fail, after due notice from said board, to clean or cause the same to be cleaned, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five nor more than twenty-five dollars.

17. Unmuzzled dogs going upon any street, avenue, or other public place between the fifteenth day of June and the fifteenth day of September, in any year, mad dogs, and dogs bitten by hydrophobic dogs, shall be deemed nuisances injurious to health; and any person owning or keeping any dog, who shall allow the same to go unmuzzled upon any street, alley, or other public place between the fifteenth day of June and the fifteenth day of September, in any year; or who shall refuse to kill or to cause to be killed any such dog, owned or kept by them, which has gone mad or given symptoms of hydrophobia; or who shall omit to confine any such animal exposed to such disease, or which has been bitten by a hydrophobic dog or animal, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than one nor more than twenty-five dollars; and any dog going at large between the fifteenth day of June and the fifteenth day of September, in any year, without a proper muzzle, shall be taken up by the pound-master, who shall charge the owner of the same one dollar for its redemption; and every such dog not redeemed within twenty-four hours, after having been taken up, as aforesaid, shall be liable to be shot by said pound-master.

18. All establishments or places of business for tanning, skinning, scouring, or dressing hides or leather, within the District of Columbia, not kept clean and free from any deleterious ordors, shall be deemed nuisances injurious to health; and any person who shall hereafter, in said District, open or conduct any establishment or place of business for tanning, skinning, scouring, or dressing hides or leather, and who shall fail to keep such establishment or place of business free from deleterious ordors, cleanly, and wholesome, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than ten nor more than fifty dollars.

19. All establishments or places of business for boiling any offal, swill, bones, fat, or tallow, crushing, grinding, or burning bones or shells, cleansing guts, making glue, varnish, or lamp-black, distilling liquors or alcohol, or other substance that may degenerate into noxious gases and odors, within the limits of the cities of Washington and Georgetown, shall be deemed nuisances injurious to health; and any person who shall, within the limits of said cities, boil any offal, swill, bones, fat, tallow, or lard, for any purpose except that of cooking, or who shall enter into the business of crushing, grinding, or burning bones or shells, or cleansing guts, or making glue from any dead animal or part thereof, or storing or keeping any scrap, fat, or grease, or any offensive animal matter, or shall hereafter establish any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent,

alcoholic, or fermented spirits, or for making any lamp-black, turpentine, or tar, or for conducting any other business that may generate any unwholesome, offensive, and deleterious gas, smoke, deposit, or exhalations, shall be deemed guilty of keeping and maintaining a nuisance, and shall, upon conviction, be punished by a fine of not less than two nor more than twenty dollars.

20. Rubbish, the contents of cess-pools, oyster-shells, shavings, offal, hair, feathers, ashes, garbage, foul water, dye water, or offal from soap, candle, or other manufactories, filth, stable-manure, or any other offensive material cast, placed, or laid in any street, avenue, public reservation, alley, or open lot in Washington and Georgetown, shall be deemed nuisances injurious to health; and any person who shall cast, place, or lay the same in any street, avenue, public reservation, or open lot, as aforesaid, or so that the same may run or fly into said places, and shall not remove the same within the day on which the same shall have been placed, as aforesaid, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than one nor more than five dollars, and shall, in addition, pay the cost of removal, if the same shall be removed by authority of said board.

21. Animal or vegetable substances, filth gathered in cleaning yards or streets, or waste of mills and factories, placed upon any grounds or lots for the purpose of filling, leveling, or raising the surface of the same, shall be deemed nuisances injurious to health; and any person who shall fill up or raise the surface of, or level, any lot, grounds, dock, wharf, or pier, or any ground to be used for building purposes, with any animal or vegetable substance, or filth gathered in cleaning yards or streets, buildings, or docks, or waste of mills or factories; and any person who shall open or turn up, or remove the surface of any ground or place filled with offensive matter or substance, or matter which will emit any deleterious smell or exhalation, within the built-up portion of the cities of Washington and Georgetown, between the first day of May and the first day of October of any year, without a special permit from said board, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than two nor more than twenty dollars.

22. Manure accumulated in great quantity; manure, offal, or garbage piled or deposited within three hundred feet of any pla[illegible] ship or of any dwelling, or unloaded along the line of any [illegible] any street or public way; or cars or flats loaded with m[illegible] ffensive matter, remaining or standing on any railro[illegible] shall be deemed nuisances injurious to healt[illegible] shall pile or deposit manure, offal, or garbag[illegible] ous substance within three hundred feet of a[illegible] the limit of said cities; and any person w[illegible] put upon or along the line of any railr[illegible] lic place within said cities, any manu[illegible] sive or nauseous substance, within th[illegible] dwelling; or who shall cause or allo[illegible] ing in or upon them, any such substa[illegible] any railroad, street, or highway wit[illegible] three hundred feet of any inhabited [illegible] notice duly served by said board, to [illegible] guilty of keeping and maintainin[illegible] shall be punished by a fine of not [illegible] five dollars for each and every such [illegible]

23. Offensive or obstructed water-closets [illegible] vats shall be deemed nuisances injurious [illegible] being the owner, agent, or occupant of [illegible] the limits of the cities of Washington [illegible] son having the charge or control of [illegible] any water-closet, vault, rain-tub, or [illegible] and offensive, and who shall not cause [illegible] free from such obstruction, and [illegible] served upon him by this board, shall [illegible] maintaining a nuisance, and, upon [illegible] by a fine of not less than ten nor [illegible]

24. All privies constructed of [illegible] and improper places, or in an [illegible] be deemed nuisances injurious [illegible] ing, leasing, or occupying any lot or [illegible] the cities of Washington or Georgetown [illegible] to be constructed, or allow to be [illegible] material than brick, cement, or [illegible] which is not provided with a [illegible] reception of filth, and the inside [illegible] tant from the line of any adjoining [illegible] joining lot may otherwise agree [illegible] any street, lane, alley, [illegible] vate passage-way; and any person [illegible] constructed, any privy that [illegible] cleaned, or in such a manner [illegible] vessel thereof is not made [illegible] cannot escape therefrom [illegible] passage-way or conduit under [illegible] the contents of such vault [illegible] drain; and shall not, after [illegible] guilty of keeping and maintaining [illegible] tion, be punished by a fine [illegible] every week during which [illegible]

25. All lots of ground within [illegible] town upon which may be [illegible] caused by defective drains [illegible] injurious to health; and if [illegible] renting, [illegible] shall, after [illegible] refuse [illegible]

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ing, keeping, or maintaining such nuisance or nuisances; and if the said costs and expenses thus accruing shall not be paid within ten days after such removal by said health-officer, the same shall be collected from the person or persons committing, creating, keeping, or maintaining such nuisances, by suit at law.

OF DOMESTIC ANIMALS RUNNING AT LARGE.

27. Domestic animals shall not be permitted to run at large within the limits of the cities of Washington and Georgetown.

28. There shall be established, at a convenient place within the city of Washington, a public pound, to be under the charge of an officer duly appointed by the board of health, and who shall be designated a pound-master; and that there shall be established, at a convenient place within the city of Georgetown, a public pound, to be under the charge of a pound-master appointed as above; and that all domestic animals found running at large within the limits of the cities of Washington and Georgetown shall be taken up and impounded in the pounds located in said cities respectively.

29. Each and every such animal taken up and impounded, as aforesaid, shall, within twenty-four hours after such impounding, if not claimed, and the charges for taking up, impounding, and keeping the same paid, be advertised; and if not claimed within five days thereafter, shall be sold at public auction.

30. The proceeds of such sales, after deducting charges and expenses of taking up and impounding such animals, shall be paid over to the treasurer of the said board, who shall give duplicate receipts therefor, one copy of the same to be retained by the officer selling such animals, and the other copy to be by said officer filed with the secretary of the said board; and it shall be the duty of said treasurer to keep an accurate account of all money received by him, and to report the same from time to time, as required, to said board.

31. All moneys received by said treasurer from the sale of animals, as aforesaid, shall, if demanded by the owner of such animals, at any time within one year from the sale thereof, upon satisfactory proof that such claimant was the owner of such animal sold, as aforesaid, after due allowance by said claimant of charges and expenses, as hereinafter specified, of taking up and impounding and keeping such animal, be paid to said claimant; otherwise said moneys shall be used by the said board for sanitary purposes within, and for the benefit of, the District of Columbia.

32. The charges for taking up and impounding domestic animals found running at large within the cities of Washington and Georgetown shall be as follows, to wit: For each horse, mule, bull, steer, cow, calf, heifer, two dollars; and for each sheep, goat, hog, one dollar; and for each goose, fifty cents; and, in addition to said several sums, the charges for keeping said animals shall be merely the reasonable and necessary expense thereof.

33. No person or persons shall break open, or in any manner, directly or indirectly, aid or assist in breaking open, any public pound herein provided for, or take or let any animal out of such pound, without the consent of the officer keeping the same; nor shall any person or persons hinder, delay, or obstruct any person or persons engaged in driving or carrying to any such public pound any animal or animals liable to be taken up and impounded under the provisions of this chapter, and any person violating the provisions of this section shall be punished, upon

conviction thereof, by a fine of not less than five nor more than twenty-five dollars for each and every such violation.

34. It shall be the duty of said pound-masters, respectively, to keep safely and carefully all property pertaining to said pounds, and all animals put therein, and to report, from time to time, as required, to said board the condition of said pounds, and what repairs, if any, are needed; and the number and description of the animals therein impounded; and what disposition has been made of the same; and to report to said board all moneys received by them under the provisions of the ordinance, and the amounts paid over to the treasurer of said board, and the amounts remaining in their hands, as hereinafter provided; and it shall be the further duty of said pound-masters to pay over, weekly, all moneys received, as aforesaid, to the treasurer, taking his duplicate receipt therefor, filing one copy of the same with the secretary of said board, and retaining the other copy as the voucher for such payment; and said pound-masters shall give good and sufficient bond for the proper discharge of their several duties, as hereinbefore provided.

OF UNWHOLESOME FOOD.

35. No person shall knowingly sell, or cause to be sold, any impure, diseased, decayed, or unwholesome provisions, nor shall any person fraudulently adulterate, for the purpose of sale, any bread or other material intended to be used for food with any substance of a poisonous character, or any substance injurious to health; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

36. No person shall manufacture, prepare, or sell any liquor used for drink, whether malt, vinous, or ardent, or the milk of cows or goats, intended to be used as food or drink, which has been adulterated with any poisonous or deleterious ingredient; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than fifty nor more than five hundred dollars for each and every such offense.

37. No person shall convey into the cities of Washington and Georgetown, or offer for sale in any part of said cities, any animal or part of animal that may be sickly, diseased, or unwholesome, or which may have died from disease or accident, or any fish or vegetables not fresh, sound, and fit for food; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

38. No person shall slaughter any cattle within the District of Columbia for the purpose of sale as food, when such cattle are in a feverish or diseased condition; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

39. No person, whether owner, manager, or keeper of, or agent, or bartender, or clerk in any saloon, restaurant, boarding-house, or eating-house, shall offer for sale as food or drink anything poisonous or unwholesome; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

40. No person owning, renting, or leasing, or occupying any stall,

room, or stand where meats or vegetables are sold for food, shall fail to keep said stall, room, or stand in a clean or wholesome condition; nor shall such person allow any portion of said meats or vegetables to become poisoned or infected, or unfit for food; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than twenty-five dollars for each and every such offense.

41. No person shall offer for sale, or keep for such purpose, any unwholesome, watered, or adulterated milk, or swill-milk, or milk from cows kept up and fed on garbage-swill or other deleterious substance; nor shall any person make for sale any butter or cheese from such unwholesome milk; and any persons violating the provisions of this section shall, upon conviction, be punished by a fine of not less than five nor more than twenty dollars for each and every such offense.

OF THE SALE OF UNSOUND, BLOWN, OR UNWHOLESOME MEAT OR OTHER ARTICLES OF FOOD WITHIN THE CITIES OF WASHINGTON AND GEORGETOWN.

42. It shall be unlawful for any person or persons to sell, or expose for sale, within the cities of Washington and Georgetown, any unsound, blown, or unwholesome meat or other article of food, under a penalty of not less than five nor more than twenty-five dollars for each and every such offense.

REGULATIONS CONCERNING PRIVIES.

43. Fecal matter not thoroughly deodorized and disinfected, remaining in privies in the District of Columbia, is hereby declared to be a nuisance injurious to health.

44. All fecal matter in privies in the cities of Washington and Georgetown shall be deodorized and disinfected previous to its removal by the use of the agent known as "the patent dry-earth deodorizer and disinfectant," or by such other agent as may hereafter be designated by this board, in such manner that no fœtid odor shall arise therefrom.

45. It shall be the duty of the scavengers to clean all privies within their respective districts whenever required by said board, or upon the written application of the owner, occupant, or lessee of the premises whereon such privy may be located.

46. It shall be the duty of the owner or occupant of any premises whereon such privy or privies are located, to keep the contents of the same thoroughly disinfected by the use of the deodorizer specified in section forty-four of this chapter, which shall be furnished to said owners or occupants, free of charge, by the authorized agents of said board; and any person neglecting so to do shall be punished by a fine of not less than five dollars for each and every such offense.

47. It shall be unlawful for any person or persons, other than such as shall be authorized by said board, to clean any privy in the cities of Washington and Georgetown for hire; or for any person to employ any other than a regular appointee of said board for such purpose; and any person so offending shall be punished by a fine of ten dollars for each and every such offense.

48. The board of health shall, upon the receipt of complaint, in writing, cause any privy to be inspected, and, if necessary, cleaned by the persons authorized for said purpose; and any person owning or occupying premises on which any privy is situated, who shall refuse to permit the same to be inspected and cleaned at the times designated by

said board, or whenever necessary, shall be punished by a fine of five dollars for each and every such offense.

49. It shall be unlawful for any person or persons to remove the contents of any privy without having deodorized and disinfected said contents previous to said removal, as provided for and required in section forty-six of this chapter; and any person or persons so doing shall be punished by a fine of not less than five nor more than ten dollars.

50. It shall be lawful for the person or persons appointed for the purpose to remove the contents of any privy during the day, or at such time as the owner thereof may desire, said contents having first been perfectly deodorized and disinfected, as hereinbefore provided.

51. It shall be unlawful for any person or persons to deposit the contents of any privy or privies in any place other than such as may be approved by said board; and any person so offending shall be punished by a fine of not less than five nor more than fifty dollars for each and every such offense.

52. All fecal matter deodorized and disinfected and removed from privies shall be delivered to such contractor or contractors for supplying the deodorizing agent, hereinbefore required to be used, as may be designated by said board.

53. Any person or persons contracting with said board for the reception of the fecal matter above referred to, and the supply of the deodorizing agent designated, shall be required to give bond in the penal sum of five thousand dollars for the faithful performance of their contract; and said person or persons contracting, as aforesaid, shall post or cause to be posted, in each privy, at his or their own cost, and without expense to the owner of said privy, a printed copy of the ten preceding sections, together with instructions for the use of the deodorizer and disinfectant herein specified.

CRUSHING OR BREAKING STONE, WITHIN THE CITIES OF WASHINGTON AND GEORGETOWN, A NUISANCE INJURIOUS TO HEALTH.

54. The crushing or breaking of stone, within the cities of Washington and Georgetown, by machine or otherwise, in such manner as to create offensive and deleterious dust, is hereby declared to be a nuisance injurious to health.

55. If any person or persons committing, creating, keeping, or maintaining such nuisance, as aforesaid, after notice duly served upon him or them to remove or abate the same, shall refuse or neglect so to do, it is hereby made the duty of the health-officer of said board to remove or cause to be removed said nuisance according to law.

OF THE DUTIES OF THE POUND-MASTER OR POUND-MASTERS OF THE CITIES OF WASHINGTON AND GEORGETOWN.

56. From and after the passage of this ordinance, the pound-master or pound-masters appointed by said board shall keep a register of all animals taken up by him or them, with an accurate description of the same, which shall at all times be open to the inspection of the public; and the said pound-master or pound-masters are hereby forbidden to deliver any animal taken up and impounded to any person applying for the same, unless such person shall present good and sufficient evidence of his ownership or right to the possession of said animal; and no sale of any animal or animals impounded, as aforesaid, shall be made until due public notice of such sale shall have been given, together with a description of the animal or animals to be sold, for at least one week prior to said sale.

OF THE SANITARY BUREAU AND THE SALE OF UNWHOLESOME FOOD WITHIN THE DISTRICT OF COLUMBIA.

57. There shall be established a bureau of sanitary inspection, to consist of one sanitary inspector-general and twelve inspectors; said inspectors shall be assigned to the several duties of inspection of streets, of food of live-stock, of fish, and other marine products, or detailed for the performance of such other duties as may be necessary, by the sanitary inspector-general, under direction of this board.

58. It shall be the duty of the sanitary inspector-general to inspect, at least once a week, the entire District; to superintend the work of the inspectors, and see that they perform their duties; to keep a correct record of all inspections, and the official acts of inspectors, and to report the same every week to the board of health. Said inspector-general shall have power to abate, or cause to be abated, all nuisances requiring immediate action, under the immediate supervision of the health-officer; shall instruct the garbage-masters as to their duties; shall receive and entertain all complaints against scavengers and garbage-masters, and shall report to the board, without delay, any violation of the provisions of the laws affecting health which may be brought to his notice, and shall perform such other duties as may be imposed upon him from time to time by said board.

59. It shall be the duty of each inspector of streets to visit every part of his district daily, and carefully inspect all streets, alleys, yards, and inclosures, unsafe houses, horse and cow stables, privies, slaughter-houses, wharves, and every other place where offensive or deleterious matter may exist, and to report promptly to the sanitary inspector-general any and all nuisances injurious to health. Each inspector of streets shall cause to be kept, in some central locality in his district, a book for complaints, in which the citizens of the District may enter complaints in regard to nuisances; and it shall be the duty of the inspector to examine such book each night, take a memorandum of the date and nature of the complaint, and include the same in his report to the sanitary inspector-general; and the inspectors of streets shall perform such further duties and special inspections as may be directed by the sanitary inspector-general.

60. It shall be the duty of each inspector of food to attend the market or markets within his inspection district every morning, at the time when sales commence, and carefully inspect all meats, fowl, game, and vegetables offered for sale, and condemn and seize such as may be diseased, or from any other cause rendered unfit for food. He shall also visit, as early as practicable each day, every green-grocery or other place within his district where articles of food are kept for sale, and perform his duty of inspection, condemnation, and seizure, as hereinbefore prescribed. He shall report his official proceedings daily to the sanitary inspector-general, and in the performance of his duties shall be under the direction of that officer; and the inspectors of food shall perform such other duties and special inspections as may be directed by the sanitary inspector-general.

61. It shall be the duty of the inspector of live-stock to carefully inspect all cattle, hogs, sheep, or other animals intended to be killed and sold for consumption as food in the cities of Washington and Georgetown, and to condemn all such as may be diseased, or from any other cause rendered unfit for food; and it is hereby made the duty of said inspector to brand with the letter "C" all cattle, hogs, sheep, or other animals condemned as aforesaid.

62. It shall be the duty of the inspector of fish and other marine products to examine and inspect all fish, oysters, clams, lobsters, and other marine products landing by boat, arriving by rail, or otherwise brought by any person or persons into the cities of Washington and Georgetown, and if, upon such inspection, said inspector shall find any of the said marine products to be in an unsound, diseased, or unwholesome condition, it shall be his duty to prohibit their sale; and the said inspector of fish is hereby authorized, empowered, and directed to seize and destroy any unsound, diseased, or unwholesome fish, oysters, clams, lobsters, crabs, or other marine products which may be offered for sale as food within the cities of Washington and Georgetown.

63. In the performance of the duties herein prescribed, the inspector of fish shall be, and is hereby, authorized and empowered to board all boats, vessels, steamboats, and cars, and to stop all vehicles believed by him to contain fish and other marine products, for the purpose of enforcing the provisions of this ordinance.

64. Any person or persons who shall molest, hinder, or in any manner prevent said sanitary inspector-general, or any inspector appointed by this board, from performing any duty imposed upon him or them by the provisions of this ordinance, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each and every such offense.

DRAINING LOTS.

65. Any person or persons owning any lot or lots bordering on a public or private sewer will henceforth be required to drain such lot or lots into the sewer bordering thereon, and also drain all slops and water-closets into such sewer whenever the board of health shall decide upon the necessity for so doing.

66. If any person or persons, owning such lot or lots, shall neglect or refuse to comply with the requirements of the first section of this chapter, within thirty days after a written notice has been served upon him or them by a member of the sanitary Metropolitan police, under authority or instruction from the board of health, or if such lot or lots be vacant, and no agent or owner can be found within the District after a written notice has been posted upon the lot or lots for the period aforesaid by a member of said sanitary police, then the board of health shall cause the said premises to be properly drained to the satisfaction of the board of public works, and the cost thereof, including the proportionate cost of such private sewer as may be thus made, shall be chargeable to the property, and be a lien thereon, to be collected in the same manner as other special taxes on real estate are collected.

67. Where it has been found necessary to drain into a private sewer, the party owning or constructing such private sewer shall be entitled to such remuneration as may be deemed just by the board of public works, and the premises drained shall be assessed for such remuneration, which shall be collected as provided for in section two.

OF THE PREVENTION OF DISEASES.

68. It shall be the duty of the Board of Health of the District of Columbia, whenever in their judgment the said District is threatened with, or affected by, any formidable epidemic, infectious or contagious disease, to issue, or cause to be issued, such orders, regulations, and instructions as may, in their judgment, be deemed effective for the prevention or removal of such disease; which orders, regulations, and instructions

shall be advertised in at least two daily papers in the District of Columbia, for a period of thirty days; said orders, regulations, and instructions to be and remain in full force and effect until by the said board revoked: *Provided*, That the same may, from time to time, be modified in such manner as in the judgment of said board shall be deemed necessary; said orders, regulations, and instructions to be subject to the approval of the governor.

69. The orders, regulations, and instructions aforesaid shall include orders, regulations, and instructions for the speedy interment of the dead; for house to house visitation; for the dispensing of disinfectants to the poor, which may be calculated to prevent the spread of such disease; for vaccination; for the isolation of any person afflicted with such disease, and affording such persons afflicted or threatened with such disease, such aid or hospital accommodations as circumstances may require; said orders, regulations, and instructions shall further include directions for cleansing and purifying, ventilating and disinfecting dwellings, alleys, gutters, privies, cess-pools, and the like; clothing, bedding, furniture, and the like, or, in case of necessity, in their judgment, the destruction of such clothing, bedding, or furniture of a textile nature: *Provided*, That in the event of the bedding, clothing, or furniture of poor persons, they shall be reasonably compensated for the loss of the same out of any moneys in the treasury of the board of health not otherwise appropriated.

70. Whenever, in their opinion, the complete isolation of any person suffering from any such disease (the same being an inmate of any tenement-house, lodging-house, boarding-house, or hotel in the District of Columbia) cannot be secured by other means, such person shall be removed as expeditiously as possible under the direction of the board of health to the public hospital for treatment; and any person suffering from any dangerous, infectious, or contagious disease, or any person having the care, charge, or control of such diseased person, who shall refuse to comply with the provisions of this section, or who shall resist the enforcement thereof by proper authority, shall be liable to a fine of not less than ten dollars nor more than fifty dollars; and in case of the person having charge or control of such diseased person, to imprisonment in the District jail for a period of not more than thirty days, in addition to the fine aforesaid.

71. The proprietor of any tenement-house, lodging-house, boarding-house, or hotel in the District of Columbia, shall, in the event of any person living in such house becoming afflicted with any such disease, at once notify the board of health thereof in writing. For a refusal to give the notice herein provided, the person so offending shall be liable to a fine of not less than ten dollars, nor more than fifty dollars for each offense.

72. Any person suffering from any such infectious or contagious disease, who shall willfully expose himself in any street, public place, or conveyance, or any person having the care, charge, or control of such diseased person, or any owner or driver of any such conveyance who does not immediately provide for the disinfection of the same, after it has conveyed such diseased person; and any person who gives, lends, sells, transmits, or exposes any clothing, bedding, rags, or other things which have been exposed to infection, shall, on conviction, be liable to a penalty of not less than ten dollars nor more than one hundred dollars.

73. Any person who shall let to any other person any house, room, or part of a house in which any patient has been confined by reason of

such disease, without having such room, house, or part of a house completely disinfected to the satisfaction of the board of health, as certified by them, such person shall be liable to a penalty of not less than ten dollars nor more than fifty dollars for each offense.

74. All fines imposed by the provisions of this chapter shall be recovered as other fines are recovered for the use of the District of Columbia.

75. The expenses incurred in carrying the provisions of this chapter into effect shall be paid out of the treasury of the board of health.

CHAPTER II.—REGISTRY OF BIRTHS AND DEATHS.

1. It shall be the duty of every physician, accoucheur, or midwife who shall attend at the birth of any infant within the District of Columbia, to forward a report to the board of health of said District within six days after such birth, stating distinctly the date of birth, the sex and color of the child thus born, its physical condition, whether still-born or not, and the name and nativity of the parents of such child; and any such physician, accoucheur, or midwife who shall fail to report as herein required shall be punished by a fine of not less than five nor more than ten dollars for each and every such offense.

2. Whenever any person shall die within the District of Columbia, it shall be the duty of the physician who attended during his or her last sickness, or of the coroner, when the case comes under his notice, to furnish and deliver to the family of the deceased, or to the undertaker, or other person having charge of or superintending the burial of the deceased, a certificate setting forth, as far as can be ascertained, the name, sex, color, nativity, occupation, probable age, place of decease, time of and supposed cause of death of the person deceased.

3. It shall be the duty of the physician, or coroner, as the case may be, to deliver, or cause to be delivered, the above-named certificate to the party or parties above named within forty-eight hours after the death of said deceased shall come to their knowledge; and they shall deliver said certificate sooner, if possible, if requested so to do.

4. No person having the charge, as sexton or otherwise, of any vault, burial-ground, or cemetery within the District, (including the intendant of the Washington asylum,) shall inter or allow to be interred, place or allow to be placed, in any vault, burial-ground, or cemetery under their control, the dead body of any person, unless there shall have been delivered to them by the person or persons ordering the said interment, or the placing of a dead body in a vault, a certificate as hereinbefore, or as may be hereafter provided for.

5. Any undertaker or other person removing the dead body of a person who has died in said city, (and which dead body shall not have been previously buried, or been placed in a vault, or other receptacle for the temporary deposit of the dead,) to any place beyond the limits of said District, shall deliver, or cause to be delivered, the hereinbefore or as may be hereinafter required certificate to the secretary of the board of health, to be left at his residence or place of business on or before the tenth of the succeeding month, to which certificate the date and place of interment shall be attached.

6. In case any person shall die without the attendance of a physician, or if the physician who did attend at the time of the death of said person refuses or neglects to deliver the certificate as hereinbefore re-

quired, then the said certificate may be furnished by the secretary of the board of health, any member of the board of health, or by any respectable citizen cognizant to the circumstances and cause of death, and should there be no physician, and an inquest be held, and the coroner refuses or neglects to furnish the certificate as hereinbefore required, then the said certificate may be furnished by either of the parties above enumerated in this section.

7. Every sexton or other person having charge of any vault, burial-ground, or cemetery within the limits of the District shall return each and every certificate of death coming into his or their hands, in accordance with the foregoing provisions of this act, and shall deliver or cause such certificate or certificates to be delivered at the residence or office of the secretary of the board of health, on or before the tenth of the month following that in which said death shall have occurred.

8. It shall be the duty of the secretary of the board of health to keep on hand, and promptly furnish to undertakers, physicians, and such other persons as may require them, blank forms for such certificates as are hereinbefore required; and he shall publish a statistical report of all certificates coming into his hands on or before the fifteenth of each month, giving numbers of deaths, various causes, ages, &c., and shall also perform such other duties as may be necessary to facilitate a compliance with the provisions of this chapter.

9. In case any physician or coroner shall refuse or neglect to deliver such certificates, and at the time and in the manner hereinbefore required, he or they shall forfeit and pay the sum of ten dollars for each and every such neglect or refusal; said fines to be recovered as other fines for the use and benefit of the District; and it is hereby made the duty of the secretary of the board of health to see that the provisions of this section are rigidly enforced.

10. Every undertaker, sexton, or other person removing the dead body of any person beyond the District limits, who shall have died within the limits of the District, except as provided for in section five of this chapter, or having charge of any vault, burial-ground, or cemetery within the limits of said District, who refuses or neglects to perform any of the duties required by law, shall for each and every such refusal or neglect forfeit and pay the sum of five dollars.

TITLE XI.—OF WAYS, BRIDGES, PUBLIC PLACES, FERRIES, SEWERS, ETC.

CHAPTER I.—AVENUES AND STREETS.

1. It shall be the duty of the chief engineer of the Army to cause obstructions of every kind to be removed from such streets, avenues, and sidewalks in the city of Washington as have been or may be hereafter improved in whole or in part by the United States, and to keep the same at all times free from obstructions; and for this purpose he shall have power to institute suits in any court having competent jurisdiction in the District of Columbia; and it shall be the duty of the district attorney for said District to prosecute the same; and whenever any person shall desire to remove the paving-stones, or displace any other work done by the authority of the United States, for the purpose of laying gas-pipes, or for any other purpose, it shall be the duty of such person to obtain a written permit from the said chief engineer, and such persons shall oblige themselves to replace the said work to the satisfaction of said chief engineer, and within such time as he may prescribe.

2. If any person shall place any obstruction on the streets, avenues, or sidewalks aforesaid, such person shall pay the costs of removing the same, and shall moreover be subject to a penalty of ten dollars, to be recovered as other debts are recovered in the District of Columbia, for each and every day the said obstruction may remain after the chief engineer shall have given notice for its removal. And if any person or persons removing the paving-stones or other work done by the authority of the United States shall fail to replace the same to the satisfaction of the chief engineer within the time prescribed by him, he or they shall be subject to a penalty of twenty-five dollars for each and every failure, and shall moreover pay the costs of replacing the same, the whole to be recovered before any court in the District of Columbia having competent jurisdiction.

3. The Secretary of the Interior is authorized and directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington belonging to the United States, and to reclaim the same if unlawfully appropriated, and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress.

4. The regulations of the District of Columbia for the preservation of the public peace and order are extended to all the public buildings and public grounds belonging to the United States within the city of Washington, whenever the application of the same shall be requested by the chief engineer of the Army.

CHAPTER II.—HIGHWAYS.

1. All roads within the county of Washington which have been used by the public for a period of twenty-five years or more as a highway, and have been recognized by the board of public works as public county roads, and for the repairs of which money has been appropriated and expended, are declared public highways.

2. Every public highway shall be surveyed and plotted as nearly as possible according to the limits and boundaries heretofore used as a highway, and said boundaries shall be permanently marked and fixed by the erection of stones or posts at the different angles thereof.

3. A certificate of the survey and plot shall be recorded among the records used for recording surveys and plots of public highways.

4. Bridges shall be regarded as public highways, and all the bridges across the Potomac and Eastern Branch thereof are surrendered to the authorities of the District of Columbia.

9. No field or garden in actual cultivation shall be laid open or used as a public highway till after the usual time of taking off the crops growing thereon; *nor shall any yard, inclosed and in actual use, be laid open or used as a public highway until the proprietor has had at least fourteen days' notice, so as to enable him to remove his shrubbery and flowers, if he desires to do so.*

10. For every obstruction of a public highway, without authority from the board of public works, the offender shall be subject to a fine of not less than one hundred nor more than two hundred and fifty dollars, and to imprisonment till the fine and the costs of suit and collection of the same are paid; said fines to be collected in the name of the United States, for the use of the schools in the District of Columbia.

CHAPTER III.—BRIDGES.

1. It shall be unlawful for any person or persons to ride, drive, or lead any horse, mule, or other animal, whether under the saddle, or attached to any vehicle of any kind, over any of the bridges under the jurisdiction of the District of Columbia, at any faster gait than a walk, under a penalty of not less than three dollars nor more than fifteen for each offense.

Persons traveling on the bridges shall keep to the right-hand side of the bridges in the passing direction, and the board of public works shall cause boards to be placed at each end of said bridges, on which shall be written, "Walk your horses over the bridge, and keep to the right as the law requires."

The owner or proprietor of any horse, mule, or other animal, or of any vehicle of any kind, or the agents of such owner or proprietor, shall be liable for any penalty incurred by the driver of such animal or vehicle for violations of this law.

2. It shall not be lawful for any drove of horses, mules, cattle, or other animals, except sheep and swine, or for any person having in charge or assisting in driving or conducting over the Potomac bridge, horses, mules, cattle, or other animals, except sheep and swine, to drive, conduct, or permit more than six horses, mules, cattle, or other animals, as the case may be, to pass over or to be upon the wooden portion or upon either of the draws of the said bridge at the same time, under a penalty of not less than five dollars nor more than twenty dollars for each and every offense; and it shall be the duty of all persons having in charge horses, mules, cattle, or other animals, except sheep or swine, to conduct or drive over the said bridge, to see that they are attended by at least one person in front and one in the rear of every six of such animals driven or conducted over said bridge, under a penalty of five dollars for each and every such offense.

3. It shall not be lawful for any person to discharge a gun, pistol, or other fire-arm, on, near, or under the Potomac bridge, or on or under any iron or other bridge within the jurisdiction of this District, at any time, nor for any person to bathe or swim from or under either or any of said bridges; and all persons who shall violate either of the provisions of this section shall forfeit and pay for each and every such offense a sum not exceeding ten nor less than two dollars.

4. Any person who shall willfully break the lamps on, or do any injury or damage to, the gutters or any other part of the Potomac bridge, or any iron or other bridge within the jurisdiction of this District, shall, upon conviction thereof, forfeit and pay a fine not exceeding twenty dollars, nor less than five dollars; and it shall not be lawful for any person to fasten or attach a boat to any part of the said bridges, or to any or either of them, or to the abutments of either of them, under a penalty of not exceeding twenty dollars for each and every offense.

5. If any dispute shall arise in passing either draw of the Potomac bridge, priority of right shall be given to passengers coming into the city, except that the United States mail shall have priority in all cases.

6. It shall not be lawful for any person to impel willfully or carelessly any boat, scow, raft, or other floating body, against the piles, abutments, or piers of any bridge belonging to the District, under a penalty of not exceeding forty dollars for each offense.

Persons convicted of the offenses enumerated in the foregoing sections who shall fail to pay the penalty or secure it to be paid, shall be committed to the work-house till the fine or penalty and costs are paid: *Provided*, That no such commitment shall be for less than ten nor more than ninety days.

7. It shall be unlawful for any person to sit, stand upon, or otherwise occupy the guard fences of the various bridges on the canal in this District, under a penalty of five dollars for each and every offense, to be collected as other fines are.

CHAPTER IV.—ALLEYS AND ROADS.

1. The board of public works are authorized to condemn and open alleys in the cities of Washington and Georgetown and in the county of Washington, upon the presentation of a plat of the alley to be opened, accompanied by a petition of a majority of the property-holders interested in said alley.

2. The board of public works are authorized to fix and establish the

grades of the avenues, streets, and alleys of the cities of Washington and Georgetown, and the roads of the county of Washington.

3. Whenever the board of public works shall authorize a new alley to be opened through a square, or one already laid out to be extended, the surveyor shall, within fifteen days afterward, distinctly mark off such alley, in the manner in which it may be designated in the application therefor; and shall make out duplicate plats of such alley, showing its courses and boundaries, and the quantity in square feet which may be taken from the lots or parts of lots in the square by the opening or extension thereof, one of which plats shall be deposited with the register of the District, to be filed among the records of his office, and the other kept in the office of the surveyor; and all such alleys or extensions shall thereafter be kept open and free for public use.

4. Upon the filing of such plat in the office of the register, the board of public works shall make application, in writing, to the marshal of the District of Columbia to summon a jury of seven disinterested citizens to ascertain the damages which may accrue to any individual or individuals by the opening or extension of such alley; and the return of the damages so ascertained shall be filed in the office of the register of the District, and the amount thereof paid to the persons respectively entitled thereto.

5. When the return of damages aforesaid shall have been made and filed in the register's office, it shall be the duty of the governor to appoint three disinterested citizens to levy a tax equal to the amount thereof, together with the expenses attending the opening or extending such alley, in just proportions, upon the individuals whose property in the square may be benefited thereby, and they shall make due return to the register of the amount levied on each individual, designating the lot or part of a lot for which they may be respectively taxed; and it shall be the duty of the register to furnish a copy of said return to the collector of taxes, whose duty it shall be to collect the same as other taxes are collected.

6. Whenever the board of public works shall authorize the graduation and paving, or either, of any alley in any square in the cities of Washington or Georgetown, the alley shall be graduated under the direction of the surveyor, and shall be paved as follows: the center shall be of blue flagging sixteen inches wide, not less than six inches thick, and in pieces not less than three feet long, and there shall also be a row of the same on each side of the center at a distance of sixteen inches; the top surface of all shall be well dressed, and the ends closely jointed together; the space between the flagging and other portions of the alleys shall be paved with cobble-stones not less than three inches nor more than six inches in diameter, or such other material as the board may direct; the whole to be paved on a bed of sharp sand and coarse gravel not less than nine inches deep, in equal proportions; the interstices between the stones to be well filled with sharp sand and gravel, and the whole to be well rammed while wet, at least three times.

7. As soon as an alley is graduated and paved, or either, it shall be the duty of the board of public works to levy a tax upon the owners of the lots or parts of lots in the square that may be benefited thereby, in just proportions, equal to the whole expense thereof; and it shall be the duty of the said board to make to the register a return of such levy, showing the whole amount thereof, together with the amount of tax levied upon each lot or part of a lot, and the proprietor's name affixed to each respectively; and the register shall furnish an authenticated copy of said return to the collector of taxes, who shall, within ten days

after receiving such return, give notice in writing to each proprietor, if a resident, and if a non-resident, to the tenant or agent of said proprietor, if known, of the amount due, and requiring the same to be paid within thirty days from the date of said notice; and if any portion of said amount shall remian unpaid for more than thirty days, then the collector shall proceed to collect the same, together with interest thereon, at the rate of ten per cent. per annum, to be computed from the date of the board's return to the register, in the manner prescribed by law for the collection of taxes on real and personal property.

8. Whenever the board of public works shall deem it conducive to the public interests to open a new road, or change the course of an old one, they shall direct the route of such road to be surveyed by the surveyor, and a plat or map of the same to be prepared.

9. They shall then cause notice to be given, by advertisement, twice a week for three weeks, of the proposed opening of the new road, or of the alteration of an existing one, calling upon all persons who may have any objections thereto to present them to the board at its next regular meeting. If any objections are made, the board shall then and there hear them.

10. If the route only is objected to, and another or others suggested as more advantageous, the board may adopt it, or appoint five discreet, disinterested men, of whom the surveyor shall be one, to examine all the proposed routes, and report such a one as they shall deem most feasible and advantageous to the county, and such report shall be made to the board at its next session.

11. If no objection to the opening or altering a road by the owners of the land through which it must pass after such notice [is made,] it shall be taken for granted that no damages are or will be claimed, and the road may be recorded and opened, and shall then be a public road or highway; but if any owner or owners of the land shall object and claim damages, and the board cannot agree with such owner or owners upon the amount, then the board shall direct the marshal of the District to summon a jury of seven judicious, disinterested men, not related to any party interested, to be and appear on the premises on a day specified to assess the damages, if any, which each owner of land through which the road is to pass may sustain by reason thereof.

12. And the marshal shall summon such jury, and administer an oath or affirmation to them that they will, without favor or partiality to any one, to the best of their judgment, decide what damage, if any, each owner may sustain by reason of running the road through his premises; but in doing this they shall take into consideration the benefit it may be to him or her by enhancing the value of his or her land, or otherwise, and give their verdict accordingly.

13. It shall be the duty of the marshal, upon receiving the order from the board, to give the owner or owners aforesaid not less than ten days' notice of the time and place of the meeting of the jury to assess their damages.

14. In cases where notice cannot be served on the owner or owners, the same proceedings shall be had as is provided in this chapter in the case of minors.

15. The jury, having been upon the premises and assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the board at its next session, and which shall be recorded.

16. If the board or any owner or owners of the land aforesaid are dissatisfied with the verdict thus rendered, and no arrangement being

made between the board and the said owner or owners, the board shall order the marshal to summon a second jury of twelve judicious, disinterested men, not related to any one interested, to meet and view the premises, giving the parties interested at least ten days' notice of the time and place of meeting. And the marshal and jury shall proceed as before directed in regard to the first jury.

17. The verdict, signed by each of the jurors, or a majority of them, shall be returned to the court at its next session, and recorded as final and conclusive, and the road shall then be declared a public road, and the board shall order it to be opened as such.

18. The same mode of proceeding shall be observed in cases where application shall be made to the court by the residents of the county to lay out a new, or alter any existing road.

19. In all cases where the land through which it is proposed to run a road shall belong to a minor or minors, it shall be presumed that objection is made, and the damages assessed accordingly.

20. In all cases where it becomes necessary to summon a second jury to assess damages, if the amount assessed by the second jury shall not be greater than the amount assessed by the first, the costs of the second jury shall be paid by the party or parties objecting to the first verdict; but if greater, they shall be paid by the county. All expenses up to the second jury shall be paid by the county.

MARSHAL'S FEES.

For summoning each juror the marshal shall be entitled to fifty cents.

For travel, per mile, going and coming to the premises to be examined, twelve and a half cents.

For each day's attendance, two dollars and fifty cents.

JURORS' FEES.

For each day's attendance, two dollars.

21. In any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the board of public works cannot agree with the owner as to their purchase, the said board may proceed in the same manner for condemning said materials as in cases of condemnation of land for the purposes of a public road, as is provided for in the next preceding sections of this chapter.

CHAPTER V.—DAMAGES BY REASON OF PUBLIC IMPROVEMENTS.

1. On the application, in writing, of the owner or owners of any real estate in the District of Columbia, or of any person having other than a rental interest therein, to the board of public works, setting forth that special damages have been sustained by him or them in consequence of any improvements or repairs made by said board, and particularly describing the nature of said damages, the said board shall consider the statements of said application, and if deemed by them sufficient for that purpose, the said board, or a majority thereof, shall personally inspect the property alleged to be specially damaged, and make, or cause to be made, any examination connected with said improvements or repairs which they may deem necessary or proper.

2. If, after inspection and examination, as aforesaid, the said board, or a majority thereof, shall be of the opinion that special damages have been sustained by any person or persons, as aforesaid, they shall estimate the same, taking into consideration the benefits to said property from said improvements or repairs, and file among the records of their office, and in the office of the secretary of the District, written statements of their action and estimate of damages, and shall make a full report, in writing, to the next ensuing session of the legislative assembly of all applications made to them under the provisions of this chapter, and of their action thereon, and of the amounts awarded as damages and the reasons and grounds of such awards, for the action of the legislative assembly thereon; and no sum shall be paid on account of damages until after the same shall have been approved by the legislative assembly and an appropriation made for the payment of the same.

CHAPTER VI.—FOOTWAYS PAVED.

1. No petition for setting the curb-stones and paving the footway in front of any square or squares, or any of the streets or avenues of this District, shall be acted upon by the board of public works unless the petition is accompanied by a plat of the square or squares in front of which the improvement is required, having marked thereon the number of the lot or lots, and satisfactory testimony that the petitioners are the bona fide owners of the property they profess in such petition to own.

2. Whenever a tax shall be laid for the purpose of setting the curb-stone and paving the footway on any avenue or street, or portion of an avenue or street, it shall be the duty of the board of public works to make application to the surveyor, who shall furnish him with a certified plan of the property so taxed, showing the proper graduation thereof, which plan shall be deposited in the office of the register, subject to the inspection of all interested therein.

3. Whenever the board of public works shall order a footway to be paved or an alley to be graded and paved, according to law, they shall appoint two commissioners from among the property-owners interested in such footway or alley to inspect the work, the said commissioners to serve without compensation, and no bills shall be passed or paid unless approved by said commissioners, and on their certificate that the work has been done according to law.

4. Footways shall be paved with good paving bricks, on a bed of sand at least four inches deep, and according to the proper graduation in front of the lot or lots thereby taxed; and the said lot or lots shall alone be answerable for the amount taxed for such improvement, unless the owner or owners of such lot or lots at his, her, or their own expense, shall have caused, or shall forthwith cause, such curb-stone and footway to be thus set and paved, to the satisfaction of the board of public works, in which case the tax laid for the purpose shall become released.

5. And if any footway directed to be paved, or any part thereof, shall front on unimproved ground, or ground where the house or houses shall not be on a line with the avenue or street, it shall be the duty of the board of public works, unless otherwise desired by the owner or owners of such ground, to pave only one-half of the proper width of the footway opposite thereto, such half being next the curb-line; and in all cases where pavements shall hereafter be laid in the cities of Washington or

Georgetown, the said board may cause to be graded to the building-line all banks of earth overhanging said pavements, and the expense thereof to be assessed in the same manner as the pavements.

6. So soon as the setting and paving of any such curb-stone and footway shall have been completed there shall be deposited with the register a statement exhibiting the cost of setting the curb stone and paving the footway in front of each lot or part of lot separately, and the amount of tax to be paid by each proprietor of said lots or parts of lots, and the register shall then, without delay, place in the hands of the collector of taxes a list of the persons chargeable with such tax, together with the amount due by each person; and the collector shall, within ten days after receiving such list, give notice in writing to each proprietor, if residents of this District, if non-residents, then to their tenants or agents, if known, stating the amount of tax by them respectively due, and requiring that the same be paid within thirty days from the date of such notice; and if any of the taxes so due shall remain unpaid for more than thirty days after the date of such notice, then the said collector shall proceed to collect the same, together with interest in addition thereto at the rate of ten per centum per annum, to be computed from the date of the board's return to the register, in the same manner as other taxes upon real property are by law collected.

7. Whenever any foot-pavement shall become worn out or defective in any respect, from any cause whatever, or whenever any foot-pavement or curb-stone shall be either below or above the proper grade thereof, so as to render the walking thereon inconvenient, difficult, or unsafe, or whenever a side gutter shall be taken up and relaid, it shall be the duty of the board of public works to notify the owner or owners, or occupier or occupiers of the property fronting thereon, to cause such defective, worn out, or improperly graded foot-pavement and curb-stone to be either repaired or taken up and relaid or reset, as may be required in the notice; and if such foot-pavement be not repaired or taken up and relaid, or such curb-stone reset, as the case may be, within five days after said notice, then it shall be the duty of the said board to have the same repaired or taken up and relaid or reset in the best manner; and the board shall immediately furnish the register with a statement showing the cost of repairing or of taking up and relaying such foot-pavement, or of resetting such curb-stone, as the case may be, in front of each lot or part of lot fronting thereon; and a tax to the amount thereof shall be imposed and assessed upon the said respective lots or parts of lots to reimburse the District the amount of said expense; and a copy of said statement shall be immediately furnished by the register to the collector of taxes, who shall proceed to collect and account for the same as other taxes are collected and accounted for; and said taxes so imposed and assessed are hereby made due and payable thirty days after said statement of the board shall be filed with the register; and as soon as the collector shall receive a copy of said statement, he shall furnish the owner or owners, or occupier or occupiers of the respective lots or parts of lots on which the tax may be laid, with a statement of the amount of tax on such lots or parts of lots, and also a notice of the time when the same is due and payable; and if any portion of said amount shall remain unpaid for more than thirty days after the same shall have become due and payable, then the collector shall proceed to collect the same, together with interest thereon at the rate of ten per centum per annum, to be computed from the date when the same became due and payable, in the manner prescribed by law for the collection of taxes on real and personal property.

8. In all cases where the pavement of any footway is or may be authorized, and the said footway shall pass in front of any stable, coach-maker's shop, or other building or tenement to which it is necessary to have access for horses or carriages, or where such footway shall pass over ground requiring in the opinion of the board of public works a passage as aforesaid for the use of any stable, carriage-maker's shop, &c., it shall and may be lawful for the owner or owners of any such ground fronting on the required pavement to pave such portion as may be necessary for a horse or carriage way as aforesaid with suitable paving-stones, instead of bricks, except nine feet thereof next to the curb-stone, which said nine feet shall be paved with bricks set up on the edge, and except also that all proprietors of licensed livery-stables shall be required to have the entire sidewalk in front of the lot occupied for the purposes of their stables paved with brick on edge, under a penalty of twenty dollars for refusing so to do, and five dollars for each day such refusal shall be continued.

9. It shall not be lawful for any person to lay any foot-pavement, or cause the same to be done, contrary to the established grade, under a penalty of twenty dollars for every such offense, and five dollars for every week the same shall remain after notice from the board of public works; nor shall it be lawful for any person to alter or change the proper level or grade of any paved footway, alley, curb, gutter, or flag footway, or cause the same to be done, under a penalty of not exceeding ten dollars for each offense, and five dollars for each week any such violation of this act shall remain, after notice in writing shall have been given by the board of public works to the person altering, or causing the same to be altered; and any person who shall have made or caused to be made any such change or alteration in an established grade, shall restore the same to the established grade of such footway, curb, gutter, alley, or flagging, under a penalty of not exceeding five dollars for every week that such change shall be allowed to remain after notice as aforesaid.

10. No person shall drive any wagon, cart, or other carriage or vehicle whatever on any of the paved or graveled footways now made, or which may be hereafter made, in and on any of the avenues or streets within the cities of Washington or Georgetown, or ride or lead any animal of the horse kind thereon, except at the intersection of streets and avenues, under a penalty of two dollars for each offense; to be recovered and applied as other fines and forfeitures.

11. In setting the curb and paving the footway of any of the streets or avenues, or any portion thereof, the curb shall be set at the established grade for the same, and the pavement shall be laid to correspond thereto, with a regular rise, from the curb to the building-line or upper edge of the pavement, of half an inch to the foot; and whenever any curb is to be reset or any foot-pavement to be relaid, the same shall be done in accordance with this section.

12. It shall not be lawful for any person to set or reset any curb, or to lay or relay any foot-pavement, until he shall have obtained the established grade for the same from the surveyor, whose duty it is hereby made to furnish the same whenever applied to; and any person who shall set or reset any curb or lay or relay any foot-pavement at any other than the established grade, and agreeably to the provisions of law, shall be liable to a fine of not exceeding five dollars for every day such curb or foot-pavement shall remain at such improper grade; said fine to be recovered and applied as other fines are recovered and applied.

13. Whenever the owner or owners, occupant or occupants of the prop-

erty fronting any curb which may be set or reset, or any foot-pavement which may be laid or relaid, in violation of the provisions of law, shall fail to take up and reset such curb, or take up and relay such pavement, in conformity with said provisions, within ten days after notice from the board of public works, it shall then be the duty of the said board to have the same done forthwith, and to assess the amount thereof upon said property as a tax, to be collected and accounted for as other taxes are collected and accounted for.

14. It shall be the duty of all owners or occupants of tenements or buildings of any kind bordering or fronting on Pennsylvania avenue to sweep or clean off the sidewalk or foot-pavement in front of said tenement or building at least once a day. The occupant or owner shall not allow the dirt to remain thereon so as to form mud in wet weather; and in case the foot-pavement in front of said tenement or building shall become muddy, the occupant or owner, at least once a day, if necessary to keep it in proper condition, shall cause the same to be washed; and for each and every failure to comply with such requirements the delinquent shall incur a penalty of five dollars, to be collected for the use of the city as other fines and penalties are collected.

15. Tenants and occupants, and in case there are no tenants or occupants, the owners, or any person having care of any building bordering on any street, open space, or public reservation where there is any footway or sidewalks, shall cause the snow to be removed therefrom under the following regulations: In the day-time within four hours after the snow ceases to fall; if the snow falls in the night-time, before nine o'clock in the forenoon succeeding such fall; under a penalty of not less than two nor more than five dollars, and of not less than fifty cents nor more than two dollars for each and every four hours the same shall remain after the prescribed times; these provisions and regulations to apply as well to snow that may fall from any building.

16. Whenever the sidewalk or any part thereof adjoining any building or lot of ground on any street shall be incumbered with ice, it shall be the duty of the occupant, and in case there be no occupant, the owner, or any person having the care of such building or lot, to cause such sidewalk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance; and in case such owner or occupant, or other person, shall neglect so to do for the space of six hours during the day-time, he, she, or they shall forfeit and pay a sum not less than two nor more than ten dollars for every day the same shall continue so incumbered.

CHAPTER VII.—SEWERS.

1. The board of public works is authorized to grant permission to any person or persons applying to open a drain (except for privies) into or make connection with any of the public sewers constructed by this District, upon paying into the treasury (to be placed to the credit of the district in which such sewer is located) the sum of one dollar and fifty cents for each front foot the house or lot which such person or persons may wish to drain shall occupy; and any person or persons who may drain into or connect with any public sewer as above described, without having first obtained permission from the board of public works and paid for the privilege as aforesaid, shall be liable to a fine for each offense of not less than twenty dollars nor more than forty dollars, and five dollars for every day such violation of law may continue, both to

be recovered as are other fines and penalties imposed by the laws of this District.

2. Every opening or drain which may be made into any public sewer shall be made and closed under the direction and to the satisfaction of such person as may be designated by law to superintend such work.

3. In all cases where a drain shall be made from any lot, house, or other property into a public sewer, there shall be a good and sufficient copper or cast-iron strainer inside of the basement or cellar wall of the property so drained, to prevent any vegetable matter or filth in a solid state from passing into the sewer; and such cellar or basement shall at all times be subject to the inspection of such person as may be authorized by the board of public works to examine the same; and if at any time the strainer shall be found worn out or choked with filth, or if the drain itself shall be choked with filth, the owner or occupier of the premises, either or both of them, shall be fined not less than five dollars nor more than ten dollars for the first offense, and not less than ten dollars nor more than twenty dollars for the second or any subsequent offense, and five dollars for every twenty-four hours during which the strainer or drain shall remain out of repair or be choked up; the said fines to be recovered as other fines are recovered.

4. It shall not be lawful for any person or persons to run any water, gas, or other pipes through, or in any way to obstruct, any public sewer in any of the streets, avenues, or alleys in the District of Columbia.

5. If any person or persons shall so obstruct any of the public sewers in any street, avenue, or alley, he or they shall forfeit and pay for each and every day or less time that such obstruction shall remain a sum of not less than twenty nor more than forty dollars, for the use af this District, to be recovered as other fines are recovered.

CHAPTER VIII.—EXCAVATIONS.

1. Before laying down any pipe for the conducting of gas in any of the streets, avenues, or alleys of this city, the company, association, or individual laying the same, shall first obtain from the board of public works a permit in writing so to do, stating the precise point from and to which such pipes are to be laid, before opening any street, avenue, alley, or foot-pavement, for that purpose; and no opening shall be made in any street, avenue, alley, or foot-pavement at any one time of a greater length than four hundred feet, and no opening shall remain for a longer period than forty-eight hours, unless for special reasons which shall be satisfactory to the said board; and no foot-pavement whatever shall be opened for the purpose of laying pipes therein without the consent of the owner of the property fronting on such foot-pavement first being obtained in writing, under a penalty of not less than ten nor more than twenty dollars for every infraction of any of the foregoing provisions. The above-mentioned restrictions and provisions, however, shall not apply to the opening of foot-pavements for the conducting of gas from the main pipes into the house fronting on such pavements where the consent of the owner has been first obtained; such opening shall be closed before sundown of the day on which such pavement is opened; and any excavation so made that may remain open after sunset at the crossing or intersection of any street, avenue, or alley, shall be safely and securely covered over or properly guarded so as to prevent accident, under a penalty of not less than ten nor more than twenty dol-

lars for every night or part of a night the same may be left exposed; and the earth so displaced in the streets, avenues, alleys, or foot-pavements, for laying such gas-pipes, shall be properly rammed, and the streets, avenues, alleys, and pavements restored to the same state as previous to said opening.

2. When any opening that has been made on any street, avenue, or alley, or the foot-pavements thereof, shall be closed, it shall be done subject to the supervision, inspection, and approval of the proper officer designated for that purpose by the board of public works, for the district in which such opening has been made or such foot-pavement closed; and every failure or refusal to execute such filling and repairing to the satisfaction of such officer shall subject the company, association, or individual causing such opening to be made, to a fine of not less than ten nor more than twenty dollars for every such offense, in addition to such expense as may be incurred to make satisfactory such filling.

3. The board of public works shall direct the proper officer in each district to examine all excavations and the taking up and relaying pavements and streets by the gas company and all other persons, and in all cases where the streets and pavements have not been promptly relaid according to the requirements of this chapter, to prosecute the said company and all other persons for the penalties provided for such neglect or failure to the full extent of law.

4. It shall not be lawful for any person or persons to make any ditch, drain, trench, gutter, gulley, or other excavation in any street, avenue, or alley, for drains or other purposes, or cause the same to be done, or to make excavations in any lot for cellars or other purposes next to the sidewalk, without fencing in the same, or to remove or displace any portion of any pavement or paved gutter, or cause the same to be done, without having first obtained written permission from the board of public works, and in conformity with such restrictions as they shall prescribe, under a penalty of not less than two nor more than ten dollars, and two dollars for every day the same or any portion thereof may continue: *Provided, however*, That every and any excavation that may remain open after sunset shall be safely and securely covered over or inclosed by a fence, and a lighted lamp or lantern placed at some convenient spot so as to cast its light thereupon, under a penalty of not exceeding five dollars nor less than one dollar for every night or part of a night the same may be left exposed, or no light thrown thereupon.

5. The owner, agent, or occupant of any house or lot before which any vault or opening for cellar-doors, areas, or steps shall be constructing, shall fence off the pavement on the right and left, and in front of the improvement, under a penalty of five dollars for every night the same may be left exposed, and during the whole of every night while such vault or opening is uncovered, cause a lighted lamp or lantern to be placed at some convenient spot so as to cast its light upon such vault or opening, under a penalty not exceeding five dollars for each and every night or part of a night during which such lamp or lantern shall not be placed, kept, and lighted as aforesaid, the penalties to be recovered from the owner, agent, occupant, or person making or causing such opening to be made.

6. It shall not be lawful for any person or persons to take up any pavement, or excavate any avenue, street, alley, or sidewalk for any purpose whatever, between the first of November and the first of March in each year, except for necessary repairs to sewers, water and gas pipes, nor to make any excavation in any avenue, street, or alley, without first obtaining the permission of the board of public works in writing to make the

same, for which permit shall be paid the sum of one dollar; and the sum so received for permits shall be used exclusively for repairs.

7. Any person who shall violate any of the provisions contained in the six preceding sections of this chapter shall be subject to a penalty of not less than five dollars nor more than twenty dollars for each offense; to be collected and applied as other fines are.

8. Every owner or occupant of a house or lot of ground within the District of Columbia before which any vault, pit, or hole shall be made, and every person making or having charge of such vault, pit, or hole, shall, during the time such vault, pit, or hole is being constructed, and until the same is constructed and finished, cause a planking or bridge to be placed over such vault, pit, or hole sufficient to allow foot-passengers to pass, and shall also cause so much of said vault, pit, or hole as is not covered by said planking or bridge to be fenced in and inclosed, and to be lighted at night, and all night, by at least one light or lamp; and any person who shall cause such vault, pit, or hole to be made, and the master-builder thereof who shall neglect so to place such planking or bridge, or to fence in and inclose such vault, pit, or hole, or to light the same as herein directed, shall severally and respectively forfeit and pay for every such offense the sum of not less than ten nor more than twenty dollars for each and every day of such neglect or failure; to be recovered as other fines and forfeitures.

9. All vaults shall be completed and the ground closed over them and the street or avenue properly graded and graveled or paved within three weeks after such vault is commenced, under a penalty of not less than ten nor more than twenty dollars for each and every day thereafter during which such vault shall remain unclosed, or the street or avenue ungraded and ungraveled or unpaved; to be recovered from the owner of the lot and the master-builder of such vault severally and respectively as other fines.

10. No person shall remove, or cause, or procure, or suffer, or permit to be removed, or insecurely fixed so that the same can be moved in its bed, any grate or covering to the opening or aperture of any vault; and no person shall suffer or permit any grate or covering to be removed from any vault, or insecurely fixed thereon so that the same can be moved in its bed, within one hour after sunset on any day, under a penalty of not less than twenty nor more than thirty dollars; to be recovered as other fines from the owner or occupant of the house to which such house shall belong, severally and respectively.

CHAPTER IX.—PUMPS, WELLS, ETC.

1. The board of public works shall, upon application in writing, signed by two-thirds, or of so many as in their opinion constitute that proportion of the inhabitants of any neighborhood, praying for the sinking of a well and the erection of a pump, or the conveyance of water in pipes and fixing of a hydrant, or the improvement of a spring, direct the object of the application to be executed, if in the opinion of the board it shall be deemed reasonable and expedient; and on the completion of a pump, hydrant, or spring, the said board is hereby authorized to cause the expenses thereof to be paid out of any money in the treasury not otherwise appropriated, designating the property benefited by the improvement, and the proportion of each for which each may be properly chargeable.

2. Whenever the expense of a well and pump, an aqueduct or pipes and hydrant, or the improvement of a spring, is ascertained in pursuance of the provisions of this chapter, it shall be the duty of the board of public works to assess the whole of the real property within such distance of the well, hydrant, or spring, as may in their opinion be benefited or the value thereof enhanced thereby, under such equitable rule as they may devise or adopt, to such amount as will reimburse the treasury aforesaid for one-half of said expense.

3. The collector of taxes shall notify all owners of lots that may hereafter be assessed for the sinking of wells and erecting of pumps, conveying of water in pipes, &c., of the amount assessed on each lot or part of lot within ten days of such assessment.

4. It shall not be lawful to wash clothes or other articles, to clean fish, water horses, or fill and leave barrels or casks, or do any other act in, near, or about any pump, well, spring, hydrant, or aqueduct within the limits of this District, injuring or tending to injure and make impure the water of the same; or to destroy, impair, or in any manner injure any public pump, well, aqueduct, pipe, or hydrant, within the limits of this District; and any person or persons offending against the provisions of this section shall forfeit and pay on conviction a sum not exceeding ten dollars for each and every offense so committed, to be recovered and applied as other fines and penalties; and upon the failure of any person so convicted to pay or give security for the said penalty recovered against him or her under this chapter, he or she shall be committed to the work-house for a period not exceeding thirty days, unless the said fine and penalty be sooner paid or secured to be paid.

CHAPTER X.—STREET-WASHERS.

1. The use of pavement or street washers, or hand-hose, shall be restricted to the time between sunrise and seven o'clock a. m. and sunset and one hour thereafter, and then for no longer period than fifteen minutes; and any person or persons who shall use or permit the use of his, her, or their pavement or street washers or hand-hose in violation of this section, shall be liable to a fine of not less than one nor more than five dollars; to be recovered and applied as other fines.

2. The water-registrar is authorized and directed to prescribe the size of the stops to be inserted in the mains, having in view the probable water necessities of the water-taker.

3. The annual water-rent for street-washers, where the water is not introduced into the premises, shall be three dollars, payable as all other water-rents are, and subject to such regulations and restrictions as have been or may be from time to time made by law.

4. In all cases where no fixed rate of water-rent has been established, the water-registrar is hereby authorized and directed to assess the same, having due reference to the rates heretofore determined by law.

CHAPTER XI.—RESERVOIRS.

1. Whenever a law shall be passed authorizing the construction of a reservoir to hold water for the extinguishment of fires, it shall be the duty of the board of public works to cause the same to be constructed

upon the most approved plan, of the best sound, hard brick, laid in hydraulic cement; the bottom to have a flooring of two courses of bricks, and the side walls to be nine inches thick; between which and the earth to be filled solid with wet clay, or with cement-mortar, as each course of bricks is laid; the top to be covered over with a brick arch nine inches thick, with one or more man-holes in it, fitted with a cast-iron rim and cover; and the whole of the inside of the reservoir to be plastered half an inch thick with the best hydraulic cement.

2. As soon as said reservoir shall have been completed and tested, and ascertained to be water-tight, and within five days thereafter, it is hereby made the duty of the said board to assess upon the property which may be benefited by the construction of said reservoir the whole amount of the expense incurred in constructing the same, the said amount to be equitably apportioned and assessed on the lots or parts of lots so benefited; and the amount so apportioned and assessed on said lots or parts of lots shall be a tax thereon; a statement of which, showing the amount of tax on each lot or part of lot, and the name of the person or persons to whom assessed, shall be made out by the said board, and returned to the registrar within ten days after the payment of the expense of constructing said reservoir shall have been made; and the registrar shall, within five days after receiving said statement, furnish the collector of taxes with a copy of the same; and it shall be the duty of the said collector to collect and account for the taxes so assessed as other taxes of this District are collected and accounted for; and the said taxes shall be due and payable thirty days after the day on which the statement of the said board shall be delivered to the registrar; and the collector of taxes is hereby required, as soon as he receives a copy of said statement, to notify the person or persons named in the said statement, or his, her, or their agents or tenants, of the amount of taxes assessed on the lots or part of lots assessed in his, her, or their names, respectively, and when the same will be due and payable, and that, unless the said tax be paid, the said lots or part of lots will be sold for the taxes respectively due on them according to law.

3. Any property which may be assessed for the construction of a reservoir for the extinguishment of fires shall not be again liable to assessment for any other reservoir unless it shall be so directed in the act authorizing such reservoir.

4. All the reservoirs for the extinguishment of fires which have been or which may be constructed are hereby placed under the charge of the board of public works, whose duty it shall be to see that they are at all times kept in good repair and filled with water, the expense thereof to be paid out of the appropriation for repairs of streets.

TITLE XII.—OF THE INTERNAL POLICE AND MUNICIPAL REGULATIONS.

CHAPTER I.—INSANE ASYLUM.

1. The title of the institution shall be the Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States, and of the District of Columbia.

2. Nine citizens of the District of Columbia, to be appointed by the President of the United States, shall constitute a board of visitors of the said hospital. The term of office of three of the nine visitors shall expire the thirtieth day of June, eighteen hundred and fifty-seven, and biennially thereafter on the same day of the year, when they shall be re-appointed, or three other citizens appointed in their stead. The order in which the terms of office of the first nine appointed shall expire, shall be determined by lot, and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by appointment for the unexpired term of such visitor.

The board of visitors, subject to approval of the Secretary of the Interior, may make any needful by-laws for the government of themselves and of the superintendent, and his employés, and of the patients, not inconsistent with the provisions of this chapter, nor with the Constitution and laws of the United States; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management; they shall make annually to the Secretary of the Interior a report for the preceding year ending June thirtieth, setting forth the condition and wants of the institution.

The board shall elect one of their number president, who shall preside at their meetings for one year, or till a successor is elected.

The office of visitor shall be honorary and without compensation.

3. The chief executive of the institution shall be a superintendent, to be appointed by the Secretary of the Interior, and to receive a salary of four thousand dollars per annum.

The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employés in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex-officio secretary of the board of visitors; and he shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by the Secretary of the Interior.

4. The order of the Secretary of War, and that of the Secretary of the Navy, and that of the Secretary of the Treasury, shall authorize the superintendent to receive insane persons belonging to the Army and Navy, and revenue cutter service, respectively, and keep them in cus-

tody till they are cured, or removed by the same authority which ordered their reception.

5. All indigent insane persons residing in the District of Columbia at the time they became insane, shall be entitled to the benefits of the institution, and shall be admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself (or herself) and family, (or themselves, if they have no family,) under the visitation of insanity.

6. Whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, but to be in no case less than the actual cost of their support.

7. All appropriations of money by Congress for the support of the institution shall be drawn from the Treasury on the requisition of the Secretary of the Interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

8. No insane person not charged with any breach of the peace shall ever hereafter be confined in the United States jail, or in the United States penitentiary, in this District.

9. The order of the Secretary of the Interior, granted under the authority of law, shall authorize any police officer or constable to assist in carrying any indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all expenses of witnesses before said judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his or her friends, or by the local authorities of the District.

10. Any indigent insane person who did not reside in the District at the time he or she became insane, may in like manner, as provided in the fifth section of this chapter, be admitted into the said hospital upon the application of the authorities of the District of Columbia, and at the expense of the said District during the continuance of said insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the authorities aforesaid can discover who his or her friends are, or whence he or she came, with a view to the return of such person to such friends, or to the place of his or her residence, and thus relieve said corporate authorities of the expense and charge of said indigent insane nonresident.

11. If any person charged with crime be found, in the court before which he or she is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in said hospital, and if he or she be not indigent, he or she and his or her estate shall be charged with expenses of his or her support in said hospital.

12. Any person becoming insane during the continuance of his or her sentence in the United States penitentiary shall have the same privilege of treatment in the hospital during the continuance of his or her mental disorder as is granted in section eleven to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his or her character as to render his or her custody in the hospital insecure, and his or her example pernicious.

13. When any person confined in said hospital, charged with crime and subject to be tried therefor, or convicted of crime and undergoing

sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judges of the supreme court and deliver him or her to said court in obedience to the proper precept.

14. The independent or pay patients may be received into the hospital on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him or her to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he or she may remain until restored to reason, provided the friends of the patient comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

15. If any person will give bond, with sufficient security, to be approved by the Supreme Court or any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may, in its discretion, deliver such insane person to the party giving such bond.

16. The Secretary of the Interior shall have power to grant his order for the admission into the Government Hospital for the Insane of any insane person not charged with a breach of the peace, upon (1) the certificate of any judge of the supreme court for the District of Columbia, or of any justice of the peace of the District, stating that two respectable physicians, residents of the District, appeared before said judge or justice and certified under oath, and under their hands, that they knew the person alleged to be insane, and that from personal examination they believed him or her to be insane and a fit subject for treatment in said hospital, and that he or she was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored; also stating that two respectable householders, residents of the District, appeared before him, the said judge or justice, and certified under oath and under their hands, that they knew the person alleged to be insane, and that from a personal examination into his or her affairs, they believe him or her to be unable to support himself or herself and family, (or himself or herself, if he or she have no family,) under the visitation of insanity, and to pay his or her board and other expenses in said hospital, and the certificate under oath of such physicians and of such householders shall accompany the certificate of such judge or justice; and (2) upon an application requesting that such order may be issued, made in writing, within five days after the date of the affidavits aforesaid, by a member of the board of visitors of said hospital, upon an inspection of said affidavits and certificate thereto; and it will be the duty of said visitor to withhold his application if he has reason to doubt the indigence of the party in whose behalf the application is desired, till such doubt is removed by testimony satisfactory to said visitor.

17. If it shall appear in the case of any insane person whose insanity commenced while he or she was a resident of the District of Columbia, that he or she is able to defray a portion but not the whole of the expenses of his or her support and treatment in the Government Hospital for the Insane, then the board of visitors of the said hospital is authorized to inquire into the facts of the case; and if it shall appear to said board, upon such inquiry, that such insane person has property and no family,

or more property than is required for the support of his or her family, then, as a condition upon which such insane person, admitted or to be admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of said hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person, such portion of his expenses in said hospital as a majority of the said board shall determine to be just and reasonable under all the circumstances.

18. The Secretary of the Navy is hereby authorized and required to set apart from the pay of any officer of the Navy or of the Marine Corps, who may be under treatment by his order in the Government Hospital for the Insane, such a portion of the monthly pay of said officer as may be needed for his personal use and comfort in addition to the ordinary resources of that establishment.

The superintendent of the Government Hospital for the Insane shall recommend the portion of the pay of such officer of the Navy or of the Marine Corps that shall be set apart in the manner and for the purpose hereinbefore described, but the Secretary of the Navy may, in his discretion, increase or reduce the sum so recommended to be set apart. The said sum set apart for the personal benefit of any officer of the Navy, or of the Marine Corps under treatment in the Government Hospital for the Insane, by order of the Secretary of the Navy, shall be paid to the said superintendent of that institution by the paymaster having charge of said officer's accounts; and the receipt of said superintendent for the sum which he is authorized by the Secretary of the Navy to draw from the said paymaster shall be equivalent to the receipt of the legal guardian of said officer, or to that of the officer himself. The said superintendent shall disburse the money thus set apart and drawn by him, and he shall account for it in quarterly statements to the Fourth Auditor of the Treasury.

REFORM-SCHOOL.

The government of the reform-school shall be vested in a board of seven trustees, to be appointed and commissioned by the President of the United States, three of whom shall be nominated by the governor of the District, and four by the Attorney-General, to hold office for the term of three years; and no trustee shall receive compensation for his services, but each trustee shall be allowed the amount of expenses necessarily incurred by him in the discharge of the duties of his office.

These trustees shall be a corporation by the name of the Trustees of the Reform-School of the District of Columbia, for the purpose of taking and holding, in trust, whatever property may be conveyed, devised, donated, or bequeathed for the benefit of said institution, with all the power necessary to carry this purpose into effect.

It shall be the duty of the said board of trustees to take charge of the general interests of the institution; they may appoint a superintendent, a steward, a teacher or teachers, and such other officers as may be found necessary, and may be approved by the Attorney-General; they may fix the salaries of said officers, subject to the approval of the Attorney-General; they may prepare such by-laws as may be necessary to regulate and direct the management of the institution, which, however, shall not be valid until approved by the Attorney-General; and to exercise a vigilant supervision over the institution, its officers, and its inmates.

Before entering upon the duties of his office the superintendent shall

give a bond to the trustees, with sureties to be approved by the board of trustees and by the Attorney-General, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him, and faithfully perform all the duties incumbent on him as superintendent of said house of correction.

A treasurer of the institution shall be appointed by the board of trustees, subject to the approval of the Attorney-General, who shall, before entering upon the duties of his office, give a bond to the trustees, with sureties to be approved by the board of trustees and by the Attorney-General, in the sum of five thousand dollars, conditioned that he shall faithfully account for all the money received by him as treasurer; and it shall be his duty to keep a clear and full record of his accounts as treasurer, and report an abstract of the same to the chairman of the board of trustees once in every two months.

The superintendent shall reside at the institution constantly, and he, with such subordinate officers as may be appointed in accordance with this chapter, shall have the charge and custody of the boys; shall govern them in accordance with such rules and regulations as the board of trustees may prescribe in its by-laws; shall employ them in agricultural, mechanical, or other labor; shall give them instruction in reading, writing, arithmetic, geography, and such other studies, and in such arts and trades as the trustees may direct; and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies, trades, and employments, and secure in them fixed habits of religion, morality, and industry.

The superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property pertaining to the institution within the precincts thereof; and he shall keep, in suitable books, regular and complete accounts of all his receipts and expenditures, and of all the property intrusted to him, so as to show clearly the income and expenses of the institution; and he shall account to the treasurer, in such manner as the trustees may prescribe, for all the money received by him from the proceeds of the institution or otherwise; and he shall keep a register of the names and ages of all boys committed to the institution, with the dates of their admission and discharge, and such particulars of their history before and after leaving the institution as he can obtain. His books, and all documents relating to the house of correction, shall at all times be open to the inspection of the trustees, who shall once or more in every three months carefully examine his accounts and the vouchers and documents connected therewith, and make a record of the result of such examination.

All contracts on account of the institution shall be made by the superintendent, and when approved by the trustees, if their by-laws shall require their approval, shall be binding in law, and the superintendent, or his successor, may sue or be sued thereon to final judgment and execution; and no suit shall abate by reason of the office of superintendent becoming vacant during the pendency of such suit, but any successor in the office shall assume the prosecution or defense of any pending suit, and continue the prosecution or defense until such suit shall be concluded.

One or more of the trustees shall visit the said house of correction once, at least, in every two weeks, at which time the condition of the same shall be carefully examined and the register inspected; a record of the visits shall be kept in the books of the superintendent; once in every three months the institution shall be thoroughly examined, in all

its departments, by not less than three of the trustees, and a report of such examinations shall be made to the board; and an abstract of the reports, together with full annual reports of the superintendent and the treasurer, shall be presented to the Attorney-General on or before the fifteenth day of November in each year.

Said trustees may receive, take, and keep in their exclusive care, control, and custody—

First. Any boys under the age of sixteen years who shall be liable to punishment by imprisonment other than imprisonment for life under any law in force in this District.

Second. Any boy under sixteen years of age with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison.

Third. Any boy under sixteen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle and vicious life.

Fourth. Any boy under sixteen years of age who is incorrigible or habitually disregards the commands of his parents, father or mother, or guardians; or who resorts to immoral places or practices; or who neglects or refuses, at the request or command of his parents, father or mother, or guardian, to perform labor suitable to his years and condition.

Whenever any boy under the age of sixteen years shall be brought before the criminal court of the District of Columbia, or the judge of the police court, and shall be convicted of any crime or misdemeanor punishable by imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing such boy to imprisonment in the county jail, may, with the consent of such boy or his parent or guardian, suspend the sentence of punishment in the case, and commit the said boy to the care, control, and custody of the said trustees, to be taken to the said reform-school, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged. And in all cases where a boy, under the age of sixteen years, shall be brought before any such court or judge upon the charge of crime or misdemeanor, when the accusation against him is deemed supported by evidence sufficient to put him on trial, such court or judge shall have full power to stay all proceedings in the case, and to commit him in like manner for such period as such court or judge may determine, but not less than six months.

Every boy sent to the reform-school shall remain therein until he is twenty-one years of age, unless sooner discharged or bound as an apprentice to some proper person by the board of trustees; but no boy shall be retained after the superintendent shall have reported him fully reformed.

The governor of the District and the individual members of the said board of trustees shall have full power to commit to the care, control, and custody of the said board, with the consent and at the proper expense of his parent or guardian, for such term as the said board may determine, any boy such as described in the third and fourth classes named in section.

The said board of trustees shall cause monthly accounts to be rendered to the proper accounting officers of the Territory of the District of Columbia for the expenses of such boys as have been sent to the said school by the proper authorities from the cities of Washington and

Georgetown and the county of Washington, and for which said cities and county are, respectively, liable to pay one dollar and fifty cents a week, which shall hereafter be one dollar and seventy-five cents a week; and the amount due from said cities and county, respectively, shall be paid on demand; and if not paid within ten days after the amount shall be audited, the amount due shall draw interest at the rate of one per centum per month until paid.

Hereafter any boy under sixteen of age who is destitute of a home or means of support, or who is idle and incorrigible or wandering about uncared for by relatives or friends, and whose parents, if he has any living within this District, are unable to pay the expenses of his support in the reform-school, may be sent to the said school at the expense of the city or county in which he may be found by the judge of the police court, the governor of the Territory, or the president of the board of trustees of said school.

Where a boy has been committed to the reform-school at the request or by the consent of his parent or guardian, and at his expense, the board of trustees may require security to be given to them by the parent or guardian of any boy so committed, for the payment of the expense of maintaining such boy in the said school, for such period as he may remain there. And in all cases a statement of the age of the boy committed to the care of the board of trustees, together with the reason for such commitment, shall be furnished at the time of the commitment of each boy, to be delivered to the said board; and until such statement shall be so delivered, the trustees may decline to receive such boy.

The trustees may, by an order entered of record, discharge any boy committed to their custody and care, whenever they shall think the end of his commitment attained. They shall also have full power to place any boy, committed as herein described, during his minority, at such employment for or on account of said school of reform or otherwise, and cause him to be instructed in such branches of useful knowledge as may be suitable to his years and capacity, and as they, the said trustees, may see fit; and they may, with the consent of any such boy, bind him out as an apprentice during his minority, to learn such proper trade and employment as in their judgment will be most conducive to his reformation and amendment, and as will tend to his future benefit; and the said trustees shall, for such purpose, have power to appoint a committee of one or more of their number with power to execute and deliver, on behalf of the said board of trustees, indentures of apprenticeship for any boy whom they may deem a proper person for an apprentice, and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District, and be filed and kept among the records and in the office of the said reform-school, and it shall not be necessary to record or file them elsewhere.

Whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon no boys shall be sent to the school by the said courts until notice shall be given them by the president of the board that more can be received.

If any person shall entice, or attempt to entice, away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing, any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, which shall be paid to the treasurer of the board

of trustees; and any trustee, or the superintendent of said school, and any policeman shall have power, and it is hereby made their duty, to arrest any boy, when in their power so to do, who shall have escaped from said school, and return him thereto.

CHAPTER II.—REGULATIONS FOR LOCOMOTIVES.

1. No locomotive-engines or railroad-cars of any description shall be run, driven, or propelled over or upon any railroad track or tracks within the cities of Washington or Georgetown at a greater speed than at the rate of six miles an hour, under the penalty of fifty dollars for each and every violation of any of the provisions of this section, to be forfeited and paid by the railroad company owning or using such locomotive-engine or railroad car, or the engineer or conductor in whose charge said locomotive-engine or railroad-car may be, severally and respectively: *Provided*, That this section shall not apply to any car or engine while running through any tunnel under the cities of Washington and Georgetown, or any parts thereof.

2. The Baltimore and Ohio, Alexandria and Washington, Baltimore and Potomac, and National Junction Railroad Companies are hereby directed and required (to keep in the day time, at every point where any public street crosses the railroad track or tracks of said companies, a person stationed with a red flag, and in the evening, until arrival and departure of the last train at night, at all the street crossings, a person with a flag and lighted lamp or lantern with red glass) to give warning of the approach of the locomotive-engines and railroad-cars, of any description, of said companies, under the penalty of ten dollars for every time any locomotive-engine or railroad-car shall pass, (at any such crossings without such persons being stationed,) and such warning being given, to be forfeited and paid by the said companies, or the engineer or conductor in whose charge such locomotive-engine or railroad-car may be, severally and respectively.

3. No railroad, locomotive-engine, or railroad-car, or train of cars, shall encumber or obstruct any sidewalk or crosswalk, or any street, in the cities of Washington or Georgetown, for a longer period than is absolutely necessary for the safe and expeditious discharge of passengers only, under the penalty of twenty-five dollars for each offense, to be forfeited and paid by the railroad company owning or using such locomotive-engine or railroad-car, or train of cars, or the agent, engineer, or conductor in whose charge such locomotive-engine, railroad-car, or train of cars may be, severally and respectively.

4. No railroad company shall lay down any rail or rails, or railroad track or tracks, or shall alter the grade or location of any rail or rails, or railroad track or tracks, in, across, or along any street in the cities of Washington or Georgetown, except when directed and required by the board of public works to alter the grade or location thereof, without having first given twenty days' notice to the board of public works of the desire and intention of the said railroad company to lay down or alter the grade or location of such rail or rails, railroad track or tracks, except when replacing a worn or broken rail, under the penalty of fifty dollars for each and every violation of any of the provisions of the section, to be forfeited and paid by the said company or the person or persons laying or altering the same, severally and respectively.

5. That portion of the street lying or being between the rails or tracks,

and two feet from the outside rail or track of any railroad company, shall be paved in the same manner as the rest of the street or avenue in which such rails or tracks may be laid.

6. Rail or rails, track or tracks, of said companies shall be laid as shall least obstruct the free passage of vehicles and carriages over the same, and the upper surface of the rails shall be laid flush with the surface of the streets, and shall conform to the grades thereof, as now established, or as they shall from time to time be re-established or altered, the same to be done at the expense of the said companies; and in all streets or parts of streets which are not paved the rail shall be so laid in such manner as shall least interfere with the public travel thereon, and as shall be authorized and approved by the District government engineer. The railroad companies or their agents shall be required to keep the surface of the streets inside of the rail in good order and repair, and all snow, ice, dirt, and filth cleaned and removed from such portions of the streets at the expense of said companies, and in such manner as not to obstruct travel in any part of the street, under the penalty of fifty dollars for each and every violation of any of the provisions of this section, to be forfeited and paid by the said company, or the person or persons so violating.

7. It shall be the duty of the board of public works to notify said railroad companies to lower or raise the rail or rails, or their track or tracks, as the case may require, in accordance with the sixth section of this chapter; and in case of a failure of said railroad companies to comply with the terms thereof within ten days after said notice, which shall be in writing, then it shall and may be lawful for the board of public works to take up and relay and repair said railroad track or tracks, and assess and collect the same from said neglecting company or companies.

CHAPTER III.—THE RATE OF SPEED OF STEAMBOATS.

1. It shall not be lawful for any boat or vessel propelled by steam to run at a greater speed than eight miles per hour, in approaching or leaving the city of Washington, north of the Washington arsenal. And the master or commander who shall run his boat or vessel at a greater speed than eight miles an hour shall forfeit and pay the sum of twenty dollars for each and every offense; one-half of said fine or forfeit shall go to the informant, and the other half for the use of this District.

2. No steamboat-owners or captains of steamboats shall be amenable to this law unless they have, previous to its violation by them, been furnished with a certified copy delivered on board of the boat to the captain or other person in charge, by a police officer in person, in his official character as police officer.

CHAPTER IV.—STREET LIGHTS.

1. Upon the application of the owners of more than one-half of the property upon any portion of a street not less than a square, it shall be the duty of the board of public works to cause lamp-posts and lamps to be erected of the same description as those on Pennsylvania avenue, and to have the lamps lighted with gas, provided the expense shall at no time exceed that paid by the United States.

2. If any person or persons shall break or injure any lamp, or injure or destroy any post erected as aforesaid, such person or persons shall forfeit and pay a fine of not exceeding ten dollars for each and every such offense; and any person or persons convicted of any offense under this section who shall fail to pay or cause the said fine to be secured immediately shall be committed to the work-house for a period of not exceeding thirty days for each offense, unless the said fine be sooner paid or secured.

3. It shall be the duty of the board of public works, upon the application in writing of the owners of more than one-half of the lots fronting on any portion of a street not less than a square, to cause the lamp-posts erected thereon to be re-arranged and so placed as to afford a more general distribution of light in the locality; and immediately thereafter shall re-assess the tax, including the continued expense of lighting the same, so that it will fall proportionately on all the property benefited by the improvement.

4. All assessments upon property for lighting the streets shall be made only upon one street or avenue, and always upon the fronts of lots and not upon their depths, except where such lots shall have erected on the depths thereof any building or buildings held, used, or rented as distinct and separate dwellings, stores, offices, or other places of residence or business, in all of which cases the corner lot so improved shall, in addition to their front assessment, be also assessed on the street or avenue on which such additional improvements are erected to the full extent of the ground occupied by them.

5. In all cases where the owner of a corner lot unites in an application to the said board for the erection of lamps on any street or avenue, or portion of a street or avenue, only the number of feet contained in the front of said lot shall be calculated in making up the number requisite to secure the erection of such lamps.

6. One-half of the expense of lighting the streets of the city shall be payable out of the funds of the District.

7. The board of public works is authorized and directed annually to enter into a written agreement with the Washington Gas-Light Company, or any other gas-light company, to supply the lamps of this District with gas until further ordered, and upon the following terms: the price of gas to the District to be fixed from time to time by Congress, each lamp to be supplied by the District semi-annually with a new burner, consuming not less than four feet of gas per hour, and to be lighted twenty-four nights in each month; but nothing herein contained shall require the same to be consecutive nights; the average time of lighting and extinguishing to be as follows: in the months of January, February, November, and December, begin to light at five p. m. and extinguish at five a. m.; in the months of March, April, September, and October, begin to light at six p. m. and extinguish at four a. m.; in the months of May, June, July, and August, begin to light at eight p. m. and extinguish at three a.m.; and all the lamps shall be lighted and extinguished each lighting night within seventy-five minutes after the hours named herein, and the lamp-lighters shall follow the same routes in extinguishing the lamps as in lighting them. Each lamp will be lighted two hundred and eighty-eight nights in the year, and the average contract price shall not exceed two dollars and fifty-nine cents per month for gas for each lamp.

8. The board of public works is authorized to enter into a written contract with the Washington Gas-Light Company, or any person, at a rate not exceeding two cents per lighting night for each, for the lighting, keeping, cleaning, and extinguishing the lamps, payable monthly.

The contractor to examine and report any defects or repairs required either of the burners or lamps, posts, and so forth, and to have the four-foot burners turned to their full capacity. All reports for repairs shall be made to the said board which is authorized to have all necessary repairs made and the lamps kept in complete order at the expense of the District, chargeable to the fund from which payments are made for lighting the District with gas.

9. It shall be unlawful for any person or persons to use any public lamps as a sign for business purposes, by painting thereon letters or any other device, or by substituting for a street-lamp any other lamp upon a public lamp-post, or by placing a transparency over or around any lamp, unless in cases where special permission shall have been granted by the governor in aid of any benevolent enterprise, devoted exclusively to some charitable purpose; and any person or persons offending against this act shall be liable, upon conviction thereof, to a penalty of not less than five nor more than ten dollars for each and every such offense, the said fines to be collected and applied in the same manner as other fines are collected and applied.

10. The superintendent of lamps shall notify all persons who are appropriating any public lamp or lamps to private purposes, to desist therefrom and remove all business device they may have painted and placed upon any public lamp; and if, in ten days from the time of such notice, such device shall not have been removed, the person or persons so offending shall be subject to the penalty imposed by the preceding section, for each and every week that they shall have failed to comply with the order or request of the said superintendent.

CHAPTER V.—THE PREVENTION OF CRUELTY TO ANIMALS.

1. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly kills any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding sixty days, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

2. Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who carries the same, or causes the same to be carried, in or upon any vehicle or otherwise, in an unnecessarily cruel or inhuman manner, or knowingly and willfully authorizes or permits the same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall be punished for every such offense in the manner provided in section one.

3. No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than twenty-four hours, without unloading the same, for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating

such confinement the time during which such animals have been confined without such rest on connecting roads from which they are received shall be included; it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-four hours, except upon contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company transporting the same, at the expense of said owner or persons in custody thereof. And said company shall, in such case, have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this chapter. Any company, owner, or custodian of such animals who fails to comply with the provisions of this section shall, for each and every such offense, be liable for and forfeit and pay a penalty of not less than one nor more than five hundred dollars; *Provided, however*, That when animals shall be carried in cars in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

4. The police force of the District of Columbia shall, upon application of any member of the Association for the Prevention of Cruelty to Animals who shall have viewed any violation of the law for the prevention of cruelty to animals, arrest offending parties without a warrant, who shall be taken by such police officer before a justice of the peace for trial; and the proper evidence of such membership to a police officer shall be the exhibition of a badge or certificate of membership; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for such animals until the owner thereof shall take charge of the same: *Provided*, The owner shall take charge of the same within twenty days from the date of said notice. And the person making such arrest shall have a lien on said animals for the expense of such care and provisions.

5. When complaint is made by any member of the Association for the Prevention of Cruelty to Animals, on oath or affirmation, to any justice of the peace authorized to issue warrants in criminal cases, that the complainant believes, and has reasonable cause to believe, that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such justice, if satisfied that there is reasonable cause for such belief, shall issue a search-warrant, authorizing any marshal, deputy marshal, constable, police officer, or any member of the Association for the Prevention of Cruelty to Animals, to search such building or place.

6. It shall be the duty of all marshals, deputy marshals, constables, police officers, or any member of the Association for the Prevention of Cruelty to Animals, to prosecute all violations of the provisions of this chapter which shall come to their notice or knowledge, and fines and forfeitures collected upon or resulting from the complaint or information of any member of the Association for the Prevention of Cruelty to Animals under this chapter shall inure and be paid over to said association, in aid of the benevolent objects for which it was incorporated.

7. Any person who shall impound, or cause to be impounded in any pound, any creature, shall supply the same, during such confinement, with a sufficient quantity of good and wholesome food and water; and in default thereof shall, upon conviction, be punished for every such offense in the same manner provided in section one.

8. In case any creature shall be at any time impounded as aforesaid,

and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any officer of the Association for the Prevention of Cruelty to Animals, from time to time, and as often as it shall be necessary, to enter into and upon any pound in which such creature shall be so confined, and supply it with necessary food and water so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost for such food and water may be collected of the owner of such creature, and the said creature shall not be exempt from levy and sale upon execution issued upon a judgment thereof.

9. Any person or persons who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting of fowls or animals, may be arrested without a warrant, as provided in section four of this chapter, and for every such offense be punished in the same manner provided in section one.

10. If any maimed, sick, infirm, or disabled animal shall be abandoned by its owner, or fail to receive proper food or shelter from said owner or person in charge of the same for more than five consecutive hours, such person shall, for every such offense, be punished in the same manner provided in section one.

11. Nothing in this chaper contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments shall be performed only under the authority of the faculty of some regularly incorporated medical college, university, or scientific society.

12. In this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "persons," and "whoever," shall be held to include corporations as well as individuals; and the knowledge and acts of agents of, and persons employed by, corporations in regard to animals transported, owned, or employed by, or in the custody of, such corporations shall be held to be the acts and knowledge of such corporations.

CHAPTER VI.—OF HACKNEY-CARRIAGES, CABS, ETC.

1. Every licensed hackney-carriage, or other vehicle for hire, shall carry a number in silver figures upon a black ground, on the center of each side of the driver's box; such figures to be always kept exposed and uncovered; and for each and every violation thereof the person so offending shall pay a fine of two dollars; and if the owner or driver of any hackney-coach, or other vehicle used as aforesaid, shall have a number thereon without first having obtained a license therefor, he shall be fined in the sum of twenty dollars. All drivers, as aforesaid, shall wear conspicuously on their right breast the number of their license, said number to be made of white metal on a dark back-ground, and to measure not less than one and a half inches by two inches in size, in the shape of a shield. Any person violating this provision shall be fined five dollars for each and every offense.

2. The location of hack-stands shall be designated by the board of public works, as in their opinion the interests and convenience of the public demand; and whenever any hackney-coach or other vehicle for the conveyance of passengers for hire is upon such stand, it shall be placed lengthwise the street or the avenue, at least fifteen feet from the

curb-stone, and not in contact with the street crossings, and the driver of said vehicle shall at all times be in the immediate vicinity thereof, where he can have full control over his horses, that is to say, within five feet of the curb-line, and shall not annoy any person by boisterous or riotous conduct, or create any unnecessary noise or tumult; and that at all railroad stations, wharves, theaters, and other public places, drivers of hackney-carriages, and other vehicles for hire, shall remain upon their box, or within five feet thereof, and shall take up passengers upon the line assigned to them, under penalty of a fine not exceeding ten dollars, nor less than one dollar, for each and every offense.

3. Except as provided for in section four, and the necessary time consumed in putting down or waiting for a passenger, no hackney-coach or other vehicle, as aforesaid, shall be permitted to stand upon any street or avenue except at the places designated from time to time as hack-stands, by the board of public works.

4. When more than ten hackney-coaches or other vehicles are assembling or assembled together, and a police officer be present, it shall be the duty of such officer to regulate the manner of the arrival and departure of the same, and their position while standing, and the peaceable and quiet demeanor of the drivers thereof; and any driver who shall obstruct the officer in the performance of his duties, or who shall refuse to obey the orders so given by him, shall be fined not exceeding ten dollars.

5. On all public occasions, the owners or drivers of private carriages shall be placed under the same regulations and subject to the same penalties as the drivers of hackney-coaches under the provisions of the preceding section.

6. The rates of fares or charges for the conveyance of passengers from one place to another in the District of Columbia shall not exceed the following: Any time between the hours of five o'clock a. m. and twelve o'clock and thirty minutes a. m., for one or two passengers in a one-horse vehicle, excepting buggies and phaetons, seventy-five cents per hour; and by the trip, that is to say, from one given point to any other given point within the limits of the District of Columbia, and not extending into the county, in a one-horse vehicle, for one or two passengers, seventy-five cents for the trip; and from one given point to any other given point within the limits of Washington exceeding one mile, one dollar, and for each additional passenger fifty cents; when the distance is one mile or less, one-half these rates; for one or two passengers from one given point to any other given point from Washington to or from Georgetown exceeding one mile, two dollars, and for each additional passenger fifty cents; when the distance is one mile or less, one-half these rates. In all cases where a vehicle is not engaged by the hour it shall be considered as being engaged by the trip. Any time between the hours of twelve o'clock and thirty minutes a. m. and five o'clock a. m., fifty per centum over the rates before named may be charged and collected. The fare to any point outside the limits of Washington and Georgetown, and within the District of Columbia, shall in all cases, except where an agreement is otherwise made, be by the hour and any portion thereof, the same as provided for within said cities. Each passenger shall be entitled to have conveyed, without extra charge, one trunk or other traveling-box or bag: *Provided*, That if any passenger or passengers have for conveyance more than two trunks or other traveling-box at any time, then for each trunk or other traveling-box above the said number of two, the driver shall be entitled to twenty-five cents extra. Each passenger shall also be entitled to have conveyed band-

boxes, canes, umbrellas, or such other small packages as can be conveniently carried within the vehicle wherein the passenger is seated, without extra charge. The driver shall load and unload all luggage, and so forth, without any extra charge whatever.

7. If any driver or owner of a hackney-carriage, cab, or other vehicle for the conveyance of passengers for hire, agrees beforehand to take any sum less than the legal fare, he shall be subjected to a penalty of ten dollars if he demand more than the amount previously agreed upon.

8. Any person hiring a vehicle as before named, and who shall refuse to pay the legal fare for the same, except as provided for in section 7, shall, upon proper evidence, be arrested without warrant by any police officer, and be compelled to pay the full amount, together with one dollar and fifty cents per hour, or such part thereof, for all time lost by said driver.

9. When a vehicle, as before named, is engaged by the trip, and the passenger reaches his destination, the driver shall stop, if required, ten minutes without extra charge, but if beyond that time he shall be entitled to receive the legal fare per hour, counting from the expiration of the before-mentioned ten minutes.

10. Drivers of all vehicles, as before named, shall, when conveying passengers, drive at a reasonable and proper speed, not less than five miles an hour, unless in cases of unavoidable delay, or when required by the hirer to drive slower.

11. Any property left in any vehicle, as before mentioned, shall be deposited by the driver or owner at the police headquarters within four hours after being so left, if not sooner claimed by the owner, such property to be returned to the person who shall prove to the satisfaction of the officer in charge at the police headquarters that the same belongs to him, on payment of all expenses incurred and of such reasonable sum to the driver as the officer may award; but if the driver fail to comply with the before-mentioned conditions, he shall be liable to a fine of twenty-five dollars for each and every offense, and to restore the money value of the article or articles so left in his vehicle. In default of prompt payment thereof, he shall forfeit his license, and be prosecuted as for any other debt made and contracted.

12. When a person engages a hackney-coach, cab, or other vehicle for the conveyance of passengers for hire, he shall state whether it be by the hour or by the trip; and if by the hour the time of engagement may be properly noted by the passenger and written upon the back of the ticket hereinafter named and described, and in the event of any supposed imposition on the part of the driver, the passenger may hand the ticket to a police officer or deliver it to the officer in charge of any police station, when the complainant and the driver complained of shall be summoned to appear before said officer, which officer is hereby authorized and empowered to dispose of the case without delay; or in a case where a passenger is about to leave by railroad, stage, or steamboat, and a dispute arises as to the amount of fare, he will have the right to call upon any police officer on duty at such place, and the said police officer shall settle the claim in accordance with the provisions of this chapter, subject to an appeal to the superintendent of police.

13. The printed form of ticket which shall be furnished to each driver, as aforesaid, by the register, at the actual cost of production, shall be of paper, and measure five inches long and two inches wide, and shall

embrace the words following, to wit, and such other additional information as may be deemed necessary:

(Number of license in distinct figures.)

"Keep this ticket in case of need.

"Rates of fare established by law for hacks, cabs, or other vehicles for hire in the District of Columbia.

	Between the hours of 5 a. m., and 12.30 a.m.	Between the hours of 12.30 a. m., and 5 a. m.
"For one or two passengers in a one-horse vehicle.	By the hour, 75c. By the trip, 75c.	By the hour, $1.12. By the trip, $1.12.
"For one or two passengers, four-seated vehicle, drawn by two horses, within the limits of the city of Washington.	By the hour, $1.50. By the trip, exceeding one mile, $1.	By the hour, $2.25. By the trip, exceeding one mile, $1.50.

"And for each additional passenger, fifty cents.

"One mile or less, one-half these rates.

"For one or two passengers, in a four-seated vehicle, drawn by two horses, from Washington to or from Georgetown.	By the hour, $1.50. By the trip, exceeding one mile, $2.	By the hour, $2.25. By the trip, exceeding one mile, $3.

"And for each additional passenger, fifty cents.

"One mile or less, one-half these rates.

"In all cases where a vehicle is not engaged by the hour, it shall be considered as being engaged by the trip. It is expressly understood that in all cases the fare for two passengers, together with the articles herein provided for to be carried by each, shall be the same as for one only.

"The fare to any point outside of Washington and Georgetown and within the District of Columbia shall, in all cases, be charged by the hour, or part of an hour, and at the same rate as within these cities, and if the vehicle is dismissed outside of the cities of Washington and Georgetown, a fare of fifty cents additional may be charged.

"Each passenger is entitled to have conveyed, without extra charge, one trunk, or other traveling-box or bag; *Providing*, There be not more than two trunks or other traveling-boxes to be conveyed at one time for the person or persons hiring the conveyance. If there be more than two trunks, the driver shall be entitled to twenty-five cents for each additional one. Each passenger shall also be entitled to have conveyed such other small packages as can be conveniently carried within the vehicle.

"The driver shall load and unload all baggage without additional charge.

"If a passenger claims to be overcharged by a driver, the driver is compelled to drive the passenger to the nearest police station, where the officer in charge will immediately decide the case. In case where a passenger is about to leave by railroad, stage, or steamboat, the officer on duty at such place shall promptly settle the claim in accordance with law."

On the obverse side of this ticket the following shall appear, to wit, and such additional matters as may hereafter be deemed necessary for information:

"The driver must present this to every passenger before or upon entering his vehicle.

"Remarks made by ————, residing at ————, ——, 187–.

"If by the hour:

"When engaged, — h, — m, — M.

"When discharged, — h, —, m, — M.

"One or two horse vehicle, ——— horse.

"If by the trip:

"Where from, ———.

"Where to, ———.

"One or two horse vehicle, ——— horse.

"Number of extra pieces:

"Trunks, ———.

"Other parcels, ———.

"Offered, dollars ———.

"Demanded, dollars ———."

14. If any driver of a hackney-carriage, cab, or other vehicle for the conveyance of passengers for hire fails to hand the before-mentioned ticket to each and every passenger before or upon entering their vehicle, he shall be liable to a fine of one dollar for each and every offense.

15. If any driver or owner of a hackney-carriage, cab, or other vehicle for the conveyance of passengers for hire fails to have placed in a conspicuous place in his vehicle a printed card of not less than ten inches in length and six inches in breadth, containing the matter set forth in section thirteen, and signed by the register, he shall be fined ten dollars for each and every time he conveys a passenger or passengers without displaying the printed card before named.

16. No owner or driver of a hackney-carriage or other vehicle for hire, as before named, shall refuse to carry a passenger at the foregoing rates, or demand any greater sum than the rates of fare established; nor shall he, when engaged, take up an additional passenger or passengers without the consent of the person or persons who first engaged him.

17. When any driver of a hackney-carriage or other vehicle, as before named, shall demand an amount in excess of his lawful fare, he shall forfeit the whole amount due, and be liable to a fine of not over ten dollars for each and every offense.

18. At all ferries, steamboat wharves, and railroad stations the police shall regulate the position of hackney-carriages and other vehicles.

19. All fines and penalties under this chapter shall be collected as other fines and penalties are collected and applied.

20. The superintendent of police is hereby authorized and requested to detail one of his force, without additional compensation, who shall be known as inspector of hacks, and who shall have power to make arrest, without warrant, for any infringement of this chapter. He shall further have power to condemn for public hire any vehicle which is unclean, very badly worn, or is in an unsafe condition. An appeal from his decision may be made to the superintendent of police, whose decision (which shall be in writing) shall be final.

21. For the information of the owners and drivers of hackney-carriages and other vehicles for hire, as aforesaid, the register shall cause to be published and distributed free, to the said owners and drivers, copies of this law.

22. Any driver of a vehicle, as before named, who shall be twice convicted of a violation of the provisions of this chapter, shall be deprived of

his license for six months, and shall not be eligible to drive any vehicle for hire during that time.

23. Any hackney-stage or omnibus, the dimensions of which shall be sufficient for the comfortable accommodation and conveyance of six passengers or more, running between the hotels and residences to or from any railroad station or steamboat landing within the District of Columbia, and not in the county, shall be permitted to charge twenty-five cents for each passenger, and twenty-five cents for each trunk and traveling-box. Small valises, traveling-bags, bandboxes, canes, and umbrellas, which can be taken inside of such vehicles, will not be liable to extra charge. The driver or owner or owners of hackney-stages or omnibuses shall take out license the same as provided for hackney-coaches, and the register shall supply him or them, at first cost, with a printed slip of paper, containing the licensed number of said omnibus and the main provisions of this section, to be used as provided for the drivers of hackney-coaches in section fourteen of this chapter; and so much of section fifteen as relates to the hanging up of a printed card shall apply to hackney-stages and omnibuses also. All regulation[s], penalties, forfeiture, and so forth, in this chapter, applying to drivers or owners of hackney carriages or other vehicles for hire, shall apply to the drivers or owners of hackney-stages and omnibuses.

24. Hackney-carriages shall be held to mean that every carriage or other vehicle owned by proprietors of livery stables, or by other persons, and kept for hire, shall be subject to all the provisions of this chapter.

25. Persons who may drive light vehicles, known as bretts, cabriolets, Hansom-cabs, and the like may receive for transportation of any passenger within the corporate limits of Washington and Georgetown twenty-five cents, and from any point within said corporate limits and the boundaries of the District, fifty cents.

CHAPTER VII.—BILL-POSTING.

1. It shall not be lawful for any person or persons to put or set up any placard, bill, or advertisement in any of the streets, alleys, avenues, or sidewalks of the District of Columbia, without first obtaining a license therefor, under a penalty of not less than one nor more than five dollars for each and every offense, to be collected and applied as other fines are; but this shall not be construed to prohibit business-men from posting their own bills upon their own premises.

2. Any person applying for a license to post bills shall first deposit to the credit of the general fund the sum of twenty dollars, and the license granted shall expire the first day of January in each year.

3. It shall not be lawful for any person or persons to post or set up any placard, bill, or advertisement upon the fences, walls, trees, or tree-boxes, pumps, or lamp-posts, or any part of any building in the District of Columbia without the previous consent of the occupants thereof, or, if there be no occupants, without the previous consent of the owner thereof, under penalty of not less than five nor more than ten dollars for each and every offense, to be prosecuted and collected as other fines and penalties.

4. It shall not be lawful for any person or persons to set up or post any bill-boards, bills, placards, or advertisements in any of the avenues, streets, sidewalks, or alleys in the District of Columbia, except in such places and in such manner, and under such restrictions as

the board of public works may impose, nor without first obtaining the consent of the occupant of the property in front of which said bill-boards, bills, placards, or advertisements may be set up or posted, under a penalty of not less than five nor more than ten dollars for each and every offense, to be prosecuted and collected as other fines and penalties.

5. Any and every person obtaining a license to post bills shall have full and exclusive use of the boards provided by him on which to post placards, bills, and other advertisements; and any person or persons interfering with said licensed bill-posters, or using the boards of such licensed bill-posters, without their consent, shall forfeit and pay to the District not less than five nor more than twenty dollars, to be recovered and applied as other fines are; but nothing shall authorize the licensed bill-posters to violate the laws prohibiting the posting of bills on the railing around the public reservations.

6. In case any bill-poster shall post any placard, bill, or advertisement of an immoral character, he shall be fined, upon conviction, not less than five dollars for each offense; and any owner or occupant of any property who shall grant permission to a bill-poster or bill-posters to post on his, her, or their premises any placard, bill, or advertisement of an immoral character, shall be fined not less than five nor more than ten dollars for each offense; and the person or person at whose instance or for whose benefit the said bill or bills may be posted shall be similarly fined.

CHAPTER VIII.—DOGS.

1. It shall not be lawful for any person or persons residing within the District of Columbia to own or keep any animal of the dog kind without obtaining from the register a license so to do, and such stamps and insignia as may from time to time be designated by the register; for which license and insignia or stamps, he, she, or they shall pay the sum of two dollars per annum if a male animal, and five dollars per annum if a female animal.

2. It shall be the duty of all persons residing in the District owning and possessing dogs to cause them to be registered in the office of the register on or before the first day of January annually; and it shall be the duty of the register to make regular entries of such dogs, and to furnish a license and insignia or stamp, including the same, to such person or persons; which license and insignia or stamp shall authorize him, her, or them to keep such dog or dogs until the first of January in the ensuing year; and any person or persons who shall, on the first of January in any year, own, possess, harbor, or conceal any animal of the dog kind within the District, and shall fail to pay for and obtain within ten days thereafter a license and insignia or stamp as aforesaid, shall, for every such neglect or offense, forfeit and pay a sum of not less than five nor more than ten dollars if a male animal, and of not less than ten nor more than twenty dollars if a female animal.

3. Persons residing in the District who shall, at any time after the first of January in any year, become the owners or possessors of any animal of the dog kind, shall, within ten days after so becoming the owner or possessor, obtain a license and insignia or stamp therefor, for which they shall pay in proportion to the time that may remain of the year, (so that the license granted shall expire on the day preceding the first day of January in any year,) under the penalties provided under the preceding section.

4. It shall be the duty of any person owning or possessing a dog to place or cause to be placed and kept around the neck of such dog a collar on which shall be marked and engraved in legible and durable characters the name of the owner or possessor, and the letters "D. C.," and to which collar must be attached the insignia or stamp furnished by the register in accordance with the first and second sections of this chapter, under the penalty of not less than five nor more than ten dollars; and if any person shall put or cause to be put a collar with the insignia or stamp around the neck of any dog owned or possessed by any person or persons residing in the District without having obtained a license for keeping such animal, he, she, or they shall forfeit and pay the sum of not less than five nor more than ten dollars if such dog be a male, and of not less than ten nor more than twenty dollars if a female, for each and every offense.

5. It shall not be lawful for any one to suffer a dog to accompany them to any of the market-houses in the cities of Washington or Georgetown during market hours; and any persons offending against the provisions of this section shall forfeit and pay for each offense a sum not exceeding three and not less than one dollar.

6. If any owner or possessor of a fierce or dangerous dog permit the same to go at large in this District to the danger or annoyance of the inhabitants, he shall forfeit and pay for the first offense a sum not exceeding five dollars; for the second offense a sum not exceeding ten dollars; for the third a sum not exceeding twenty dollars; and upon a fourth conviction for the same offense, the judge holding the police court shall immediately cause the dog, upon account of which the conviction takes place, to be slain and buried.

7. If any owner or possessor of a female dog permits her to run at large while in heat he shall forfeit and pay ten dollars; and it shall be the duty of the police officers or others to cause any female dog running at large at such a time to be slain and its body buried; the word "*dog*," whenever used in this chapter without qualification, is intended to mean a female as well as a male dog.

8. In addition to the foregoing provisions, every owner or keeper or harborer of any dog, who shall permit the same to run at large between the first first days of June and October, without being muzzled, as provided for in the tenth section of this chapter, shall pay a penalty of five dollars for each offense.

9. Whenever an affidavit shall be made, and filed in the police court, that any person has been bitten by any dog in this District, and that the person so bitten was not at the time trespassing upon the person or property of the owner or possessor of said dog, the court shall issue an order directing the owner or possessor of said dog to kill him within twenty-four hours after having received said order, and in case the said owner or possessor shall refuse or neglect to kill the animal within twenty-four hours after having received such order, he shall be fined twenty-five dollars and the further sum of two dollars for every twenty four hours thereafter until said dog shall be killed.

10. Owners of dogs who have complied with all the requirements of existing laws relating to dogs, and those which may hereafter be passed, shall be entitled to recover, upon proper proof of ownership before the police court, or other court of this District, any dog which may have been lost or stolen; and any person or persons who may be convicted of stealing a dog or dogs shall be liable to a fine of not less than five nor more than fifty dollars, with all costs of trial; for the purposes of this section dogs shall be deemed and held to be personal property.

CHAPTER IX.—THE WATER-PRIVILEGE OF THE DISTRICT OF COLUMBIA.

1. The dams, aqueducts, water-gates, reservoirs, and all fixtures and improvements connected therewith which have been or may hereafter be constructed by the United States for the conveyance of the water from the Potomac River above the Great Falls to the cities of Washington and Georgetown, together with the lands, houses, fencing, water, and other rights and appurtenances connected with the same, and belonging to the Government, as also the mains, conduits, supply-pipes, basins, hydrants, fountains, stop-cocks, sewers, drains, receiving-basins, and all other fixtures connected with the same, which have been, or may hereafter be, laid down or constructed by the United States, shall be placed by the President of the United States under the immediate care, management, and superintendence of a properly qualified officer of the United States Corps of Engineers, to be appointed by him, who shall act under the Department of the Interior, and who shall make an annual report to that Department in the month of November in each year, to be laid before Congress at the commencement of their regular annual session, of the work, proceedings, repairs, casualties, and expenditures connected with the said water-works for the preceding year; and such officer, as a compensation for the duties and responsibilities imposed upon him by this act, shall receive for his pay as said engineer no more than his regular pay as an officer of the corps. He shall occupy the necessary apartments in one of the public buildings in the city of Washington as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture, required in the performance of his public duties. And in this office of the engineer of the Potomac Water-works shall be kept and preserved a complete record of all the lands and other property and matters and things enumerated in this section, and otherwise connected with or belonging to these water-works, or which may hereafter be acquired or procured for the same. The said engineer shall have full power and control over the said water-works, and shall regulate the manner in which the District of Columbia may tap the pipes for the supply thereof, and shall stop the same whenever it is found no more than adequate to meet the wants of the General Government. The said engineer's decisions on all questions connected therewith to be subject only to appeal to the Secretary of the Interior.

2. Full power and authority are hereby given to the District of Columbia to supply the inhabitants within its limits with Potomac water from the aqueduct, mains, or pipes now laid or to be laid in the streets and avenues by the United States; and to make all laws and regulations for the proper distribution of the same, subject to the restrictions prescribed by this act: *Provided*, That no expense shall devolve upon the United States in consequence of said distribution.

3. The said District shall have authority by ordinance, act, or otherwise, to establish a scale of annual rates for the supply and use of said water, apportioned to different classes of buildings in said city according to their size, dimensions, assessed values, exposures to fires, uses for dwellings, stores, shops, stables, manufactories, or other purposes, number of occupants, or consumption of water measured by meter or otherwise, and to modify, alter, amend, increase or reduce such scale from time to time, and extend it to other description of buildings and establishments; to collect such rates or rents, when so fixed, in advance or otherwise, through such agents or commissioners as they may authorize, from the owners or occupants of all such buildings or estab-

lishments respectively who may use the water therein; to stop the supply of water to any such dwelling or establishment upon a failure to pay said rate, charge, or rent; and generally to enact such laws as may be necessary to supply the inhabitants of said city of Washington with pure and wholesome water, and to carry into full and complete effect the powers herein granted: *Provided*, That the rates levied by the District shall never be a source of revenue other than as a means of keeping up to the said cities a supply of water.

CHAPTER X.—OF WATER, AND DUTIES OF OFFICERS IN CONNECTION THEREWITH.

1. The water-registrar shall assess the water-rates according to the tariff established by law; make out and deliver all bills for the use of the water; visit personally, at least twice each year, the premises of every individual supplied therewith; exercise a constant supervision over the use of the water, and attend to the enforcement of all the requirements of this chapter.

2. The water-registrar shall, on or about the tenth day of January in each year, make a summary statement of the business transacted in his office during the year to the governor, for transmission to the legislative assembly, for their information and guidance, and this said statement shall exhibit the whole number of water takers; the amount received from each class for annual rates; the number supplied for the first time the past year; the number of cases where the water has been discontinued, and the reasons therefor; the receipts and expenditures of the water-department; the then condition of the water-fund, and such other information as he may deem useful or important.

3. The water-registrar shall keep suitable books in his office, in which shall be entered all the transactions of the water-department; the names of all persons who take the water; the description of the building and its location; the purposes for which the water is used; the number, size, and location of all District stops ordered to be inserted, and fire-plugs erected; the amounts received for each and from whom; and such other entries as may be necessary to a full understanding of all the details of his office; which books shall be always open to the inspection of any person interested in the premises. He shall arrange, file, and safely keep all papers belonging to the department; audit, examine, and certify, if correct, all claims upon the District growing out of the distribution of water throughout the avenues, streets, or alleys of the District; and no bill or account against the water-department shall be paid unless so certified to be correct by the water-registrar, and appropriation shall have been made therefor by the legislative assembly. The said water-registrar shall deposit weekly, or oftener, all moneys received by him on account of water-rates, tapping mains, erecting fire-plugs, enforcing penalties, or from any source whatever, to the credit of the water-fund, in such bank or institution as may be designated by law to receive the deposits of the collector of taxes, and shall furnish the register with a certificate from the proper bank-officer of each deposit so made. He shall be in attendance at his office every day, except Sundays, from nine o'clock in the morning to five o'clock in the afternoon.

4. It shall be the duty of the committee on finance of the legislative council, and the committee of ways and means of the house of delegates,

acting for the time as a joint committee, at least once in every six months, to examine all the books, accounts, and vouchers of the water-registrar, the receipts from every source, the deposits in bank, the payment and expenditures, the condition of the water fund, and all other matters connected with the fiscal operations of the water department, and report the result of their investigation, with such recommendation as they may deem proper, to the legislative assembly.

5. The water-registrar shall keep maps in his office, drawn to a scale of not more than two hundred and fifty feet to the inch, showing at all times the exact location and size of all the main water-pipes, designating thereon all the valves, outlets, or branches, fire-plugs, and service-pipes, so as to avoid all difficulty in ascertaining the true location of any main, service-pipe, fixture or thing belonging to the water department; and, in addition to said map, corresponding entries shall be made from day to day in books to be prepared for that purpose, and carefully preserved in his office.

6. All money paid into the treasury on account of the water department shall be placed to the credit of the water fund, to which it is exclusively and inviolably appropriated and set apart, and shall not be used for any purpose or object other than to distribute the water throughout the District of Columbia, to pay the salaries of the officers belonging to the said water department, and the principal and interest on all loans made therefor. And no moneys belonging to the water-fund shall be paid out of the treasury except upon specific appropriations.

7. No member of the legislative assembly, or officer, agent, or employé of the District, shall be personally or pecuniarily interested, directly or indirectly, in any contract, bargain, agreement, or award in relation to the distribution of water wherein the District of Columbia is at all interested.

8. The annual rent for the use of the water shall be payable to the water-registrar at his office in advance on the first day of January in each year. All charges for specific supplies, or for fractional parts of the year, shall likewise be payable to the said water-registrar at his office in advance before the order to the inspector and tapper of water-mains to tap the main is issued by the registrar or the water is let on, as also the cost of tapping the main and furnishing and inserting the stop, which shall in every instance, except when the supply is for the use of the United States, be fixed at three dollars for each and every time the said water-mains are tapped and the stop inserted.

9. In all cases of the non-payment of water-rent for thirty days after the same is due and payable, the water-registrar shall notify the inspector and tapper of water-mains of such delinquency, and the said inspector and tapper of water-mains shall discontinue the supply of water immediately by cutting off the water at the main, and he shall not allow it to be again used in said delinquent's premises except on notification by the water-registrar that the water-rent has been paid, as also the expense of cutting off and restoring the flow of water.

10. A book to be called the "subscription book" shall be kept in the office of the water-registrar, with a caption importing that the owners of property whose names are undersigned request that water may be introduced into their premises mentioned, opposite their respective names, upon the terms and conditions prescribed by law, and consenting that in default of payment for the water used in said premises the supply may be discontinued and the flow stopped until the water-rent be paid. When the owner of any property applies for the introduction of water into his premises, he or his authorized agent shall write his

name in said subscription book under said caption, with the date and number of his application, the location of his premises, and the purpose for which the water is to be used; and the water shall not be introduced into the premises of any person or persons until there is written what is here required and the price of the permit to tap the main is paid, as also the water-rate, whether annual, fractional, or specific.

11. After the requirements of the foregoing section are complied with it shall be the duty of the inspector and tapper of water-mains, upon receiving the order from the water-registrar, as soon as he is notified by the plumber engaged in making the connection for water that the main is exposed at the desired place, without delay to tap the same and insert the stop. And the owner of the premises, after receiving a permit from said registrar to open the avenue, street, or alley, and foot pavement, and from the commissioner of public buildings where the premises are to be supplied from a main laid in an avenue or street which the United States have in whole or in part improved, as required by the act of Congress of June twelve, eighteen hundred and fifty-eight, may have the water introduced into the desired premises: *Provided*, The work be done by a competent plumber to the satisfaction of the inspector and tapper of water-mains, subject in case of grievance to an appeal to the governor; the material used to be of the best quality of its kind, sufficiently strong to safely withstand double the required pressure, and be laid at least thirty-six inches in depth below the established grade. And every service-pipe shall have a stop-cock inserted therein by the plumber, at the expense of the owner of the premises, in such situation as may be accessible at all times from the avenue, street, or alley, with an opening above the same at least four inches square, secured by a cast-iron box, or wooden box if saturated with gas-tar, or walled up with bricks, and cemented and covered at the top with a cast-iron plate marked "Potomac water;" which stop-cock shall be only for the use and under the exclusive control of the inspector and tapper of water-mains, so that the supply may be stopped at any time in case of leakage or on the non-payment of the water-rent as above provided.

12. As soon as each fire-plug hydrant shall have been erected and tested to the satisfaction of the inspector and tapper of water-mains, the actual expense thereof (which shall in no case exceed eighty-five dollars) shall be paid to the water-registar.

13. All fire-plug hydrants which may be erected as aforesaid are hereby placed under the charge of the inspector and tapper of water-mains, whose duty it shall be to see that they are at all times kept in good repair.

14. The following regulations shall be considered a part of the contract with every person who takes the water, and every such person by taking the water shall be considered to express his assent and be bound thereby. They shall be printed upon every bill for water-rent, and whenever any one of them is willfully violated the water shall be shut off from the premises, and the flow not restored except upon the payment to the registrar of the sum of two dollars.

The said regulations are as follows:

1. All persons taking the water are hereby required to keep their service-pipes, and all the fixtures connected with such service-pipes, in good condition and repair, and protected from frost, at their own expense; to prevent all unnecessary waste of water, and keep the trench in which their service-pipe was laid, from the main to the building-line, in good order and condition.

2. Applicants for water must state fully and truthfully all the purposes for which it is required, and, without concealment, answer all questions put to them by the water-registrar, relative to its consumption and size of premises.

3. The hose shall not be used in the avenues or streets to wash off carriages, omnibuses, or other vehicles, or for watering or washing horses. Caps upon the said pavement or street-washers must, when the washers are not in use, be kept screwed securely down, and not project more than three-fourths of an inch above the foot-pavement.

4. No private hydrant will be permitted on the sidewalk or foot-pavement, or in the front area, or in any other place where the waste water from its mouth or outlet will be cast on the sidewalk or foot-pavement of any avenue or street in the city.

5. The District reserves the right, whenever it may be deemed necessary, in order to furnish the supply required for domestic uses, to cause the flow of water to be discontinued for all other purposes.

6. All waste water, if discharged into the gutters of the avenues or streets of the city, must be conducted across the side pavements or footways, through cast-iron or fire-clay pipes, wooden boxes, or cemented drains below, and covered by the flagging or bricks of said pavement or footways.

15. The usual rents to be collected by the water department shall be as follows, to wit: On all tenements, two stories in height, having a front width of sixteen feet and under, the sum of three dollars, and for each additional front foot, twenty-five cents, and for each additional story one dollar per story.

16. The extra and miscellaneous water-rents shall be, in addition to the regular annual water-rates on the houses when occupied as dwellings, as follows, to wit:

Bakeries.—For the average daily use of flour for each barrel, the sum of one dollar per annum.

Bathing-tubs.—In all public bathing establishments and barber-shops, three dollars per annum each.

Fountains.—For the first jet of one-eighth of an inch, three dollars; for each additional jet of one-eighth, one dollar; for the first jet of one-fourth of an inch, five dollars; for each additional jet of one-fourth, two dollars; for the first jet of three-eights of an inch, ten dollars; for each additional jet of three-eights, three dollars; for the first jet of one-half of an inch, fifteen dollars; for each additional jet of one-half of an inch, five dollars; but no fountain or jet shall be permitted on any premises where the water is not taken for other purposes, and to an extent sufficient for these purposes.

Horses, (private,) including water for washing carriages; for each horse, one dollar.

Livery stables, including water for washing carriages; for each stall, twenty-five cents.

Horses, omnibuses, carts, drays, or other vehicles; for each horse, fifty cents.

Hotels and boarding-houses shall, in addition to the regular annual water-rate for private families prescribed in the twenty-fourth section of this act, be charged for each bed-room for boarders or lodgers within the same, the sum of fifty cents.

Stationary steam-engines, for each horse-power, two dollars and fifty cents per annum.

Locomotive engines making not more than two trips per day, one hun-

dred dollars each per annum; if more than two trips per day, in the same proportion.

Refectories, eating-houses, club-houses, confectioneries, taverns, ordinaries, provision shops or stores, market and fish stalls, refreshment and oyster saloons, from five dollars to twenty dollars per annum, to be fixed by the registrar.

Stores, shops, warehouses, offices, billiard-saloons, barber-shops, and apothecary stores, from three dollars to fifteen dollars per annum, to be fixed by the registrar.

All manufacturing and other business requiring a large supply of water are to be charged therefor at the rate of one cent per hundred gallons on the daily average estimated quantity during the year, the year to be computed at three hundred days.

All water required for purposes which are not specified in the foregoing tariff shall be paid for at such rate as may be fixed by the District

The proprietors or persons having charge of hotels, boarding-houses and manufacturing establishments, may place within their respective premises, at their own expense, a sufficient and accurate water-meter, to be approved by the registrar, for the purpose of measuring the quantity of water used by them respectively. And when in any case the quantity used shall be so ascertained, the water registrar shall establish a water rate therefor instead of the specific rate hereinbefore required to be paid.

17. The board of public works may grant permission to such persons as he may deem proper, who will comply with all the conditions of law, to use the water from such of the fire-plug hydrants as may be designated by the inspector and tapper of water-mains; or if erected by the United States, then by the engineer in charge of the Potomac Waterworks, for the purpose of sprinkling any of the avenues, streets, or alleys; and no charge shall be made for the water so used.

18. The sprinklers, when used by every such person, shall be as follows: a tin or copper cylinder of six feet in length and three inches in diameter; it shall contain not exceeding five rows of holes, which shall be at least one-half inch apart, and of the size of eighteen-inch wire gauge, or sixteen holes to the inch, and shall be made so as to throw the water directly on the avenue, street, or alley to be sprinkled; the ends of the cylinder shall be without holes or openings of any kind.

19. Whenever any part of the avenues, streets, alleys, pavements, or footways shall have been opened by the inspector and tapper of water-mains for the purpose of laying or repairing the pipes for distributing the water, he shall cause the work to proceed without delay, and when the mains are so laid to require the earth to be securely filled in before sundown, or all trenches so guarded by barricades or otherwise as to prevent accidents or injuries arising therefrom; and shall also cause to be immediately removed all stones, earth, or rubbish of any kind remaining after the laying or repairing of such main.

20. As often as any of said mains shall prove defective and become leaky from any cause, so as to allow the water to escape therefrom and flow upon the surface of the ground, it shall be the duty of the said inspector and tapper of water-mains to cause the same to be immediately repaired. And in case of leakage from any service-pipe, it shall be the duty of the said inspector and tapper of water-mains to cause the owner or agent of the premises supplied by such service to be notified in writing of the fact without delay, and to require said owner or agent to repair the same, and upon failure to do so the said owner or agent shall be liable to a fine of not less than five dollars nor more than ten dollars

for each and every day after the delivery of such notification that the said repairs are not made, and be held liable for all damages which may result from such leakage.

21. If any person or persons shall open any foot-pavement, avenue, street, or alley, or tap or cause to be tapped any water-mains, pipe, or private connection therewith for the purpose of conducting the water into any premises, or for any other use, without the written permit of the water-registrar, he or they shall forfeit and pay a fine of not less than thirty dollars nor more than fifty dollars for each offense.

22. If any person or persons shall open or assist in opening any fire-plug under the control of the District, except in case of actual fire in the vicinity, or remove the cover from any valve-box or stop-cock box, or turn on or off the supply of water by means of said valve on the main or stop-cock on the service-pipe, or otherwise, without the authority of the inspector and tapper of water-mains, such person or persons shall be liable to a fine of not less than ten dollars nor more than fifty dollars for each offense.

23. If any person or persons shall obstruct the access to any valve or stop-cock connected with the water-mains or service-pipe, by placing thereon stone, brick, lumber, dirt, or any other material, or who shall permit any such material to be placed thereon by those in his or their employ, shall be liable to a fine of not less than ten dollars nor more than twenty dollars for each offense, and likewise to a penalty of not less than five dollars nor more than thirty dollars per day for every day the said access shall so continue obstructed after receiving a notice from the inspector and tapper of water-mains to remove the same.

24. It shall not be lawful for any person or persons other than the proper officers, or persons authorized by them, to tap or open the mains or pipes laid or to be laid by the United States for any purpose whatever, under a penalty of not less than fifty nor more than five hundred dollars for each and every offense. And if any person or persons shall willfully and maliciously break, injure, deface, or destroy any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings, such person or persons shall be subject to imprisonment in the county jail for a period not exceeding two years for each and every such offense.

25. It shall be unlawful for any person or persons to do or commit any act by reason of which the supply of water or any part thereof shall become impure, filthy, or in any way unfit for use, and that any person or persons committing any such act or acts willfully, knowingly, and maliciously, shall be subject to a fine of not exceeding one thousand nor less than five hundred dollars, or not exceeding three nor less than one year's confinement in the jail for every such offense.

26. If any occupant of premises into which has been introduced the water shall permit the same to run or waste unnecessarily from any hydrant, cock, jet, street-washer, or other fixture; or to overflow or flood the sidewalk or foot-pavement, and thus by wetting be annoying, or, by freezing, dangerous to foot-passengers; or to flow from his fountain into adjacent premises and there used, or be taken from or used by any person other than said occupant or a member or visitor of his family, except in case of fire; or if any hydrant, jet, cock, street-washer, or other fixture be found leaking, and said occupant, owner, or agent of the premises shall refuse or neglect to have the necessary repairs made without delay; or refuse admission to the water-registrar, inspector and tapper of water-mains, or other authorized agents of the District into

his premises when in the official discharge of his duty, as hereinbefore provided, the person so offending shall forfeit and pay a fine of not less than five dollars nor more than thirty dollars for each offense, and the supply of water shall be stopped from said premises until satisfactory assurance is given the water-registrar that the like case will not again occur.

27. If any person or persons shall willfully or maliciously break, injure, or deface, or destroy any water-main, bend, branch, sleeve-cap, valve, hydrant, jet, fountain, street-washer, fire-plug hydrant, service-pipe, stop-cock, valve-box, stop-cock box, plate, or covering, or any other fixture or thing used for or connected with the distribution of water throughout the avenues, streets, or alleys, or for its introduction into houses, tenements, or buildings, such person or persons so offending shall be liable to a fine of not less than forty dollars nor more than fifty dollars for each and every such offense.

28. It shall be the duty of the water-registrar to notify in writing all persons who may have introduced, or are using or prepared to use, in their premises, (except the public buildings, Departments, or offices of the General Government,) water from any of the mains or pipes laid by the United States or the District of Columbia, that they are forthwith required to sign the "subscription book" in his office, as provided in the tenth section of this chapter, pay in advance the water-rate herein designated, and insert the stop-cock for the use of the District in the service-pipe, if not already there. And if any such person or persons shall, after receiving the notice aforesaid, refuse or neglect to comply therewith, he or they shall be liable to a fine of not less than ten dollars nor more than forty dollars per day for each and every day that the said notice is disregarded; and after the lapse of two days from the day of the receipt of said notice, if its requirements shall not be complied with, then it shall be the duty of the inspector and tapper of water-mains to disconnect the service or supply pipe, and stop the flow of water to all such premises, and the flow shall not be again established, or the water permitted therein, until all the requirements of the law are obeyed, and the expense of cutting off and connecting the service, with all excavations and paving, shall first have been paid to the water-registrar.

29. All fines, forfeitures, and penalties imposed by this chapter shall be prosecuted, recovered, and collected as other fines, forfeitures, and penalties are prosecuted, recovered, and collected; and when paid shall be placed to the credit of the water-fund.

30. It is hereby made the duty of all police officers to report in writing or otherwise to the water-registrar all leaks or breaks in the water-mains, service-pipes, fire-plug hydrants, and street-washers, all valves, stop-cocks, and street-washers without proper or secure covers or plates; of all openings made in the avenues, streets or alleys, for repairing, renewing, or laying down service-pipes, and the name of the person doing the work; to attend all fires, assist in opening all fire-plugs, hydrants, and see that they are properly and securely closed when no longer in use; report the number and location of the buildings destroyed, if supplied with water; the discharge from the fire-plug hydrants during the fire, whether free or obstructed; and generally all violations of this and other water-regulations; and communicate such further information as in their judgment may be useful or important.

31. No person shall be permitted to enter a supply-pipe or conduct the Potomac water into any two distinct premises or tenements unless through separate and distinct supply-pipes, with separate stop-cocks, placed on the outside of such premises or tenements, opposite the same,

and the water-registrar is hereby prohibited from granting permits to supply more than one house with the Potomac water through the same service-pipe.

32. The board of public works shall have authority to make rules and regulations not inconsistent with any law of the District for the government of the water department, for the laying of all water-mains, the tapping thereof and connecting therewith, the laying of service-pipes from the water-main to the premises served, the stopping thereof and connections therewith, the inspection, protection, care, and preservation of all water-mains or service-pipes, fire-plugs, stop-cocks, hydrants, or other water fixtures connected with the aqueduct pipes belonging or which may belong to the District of Columbia; for enforcing penalties for violations of any law of this District or any law of Congress having reference to the distribution of Potomac water or the security of the water-works and their appurtenances, and shall be charged generally with all matters connected with the distribution of water throughout the District.

33. To enable the board of public works to defray the expense of laying water-mains authorized by law, there shall be levied a water-tax of seven-eighths of a cent per square foot on every lot or part of a lot which binds on or touches on any avenue, street, or alley in which a main water-pipe has been laid or hereafter may be laid by the United States or by this District, which tax shall be collected by the water-registrar under the direction of the water board in five annual installments, to be collected on the first of July succeeding the levying of said tax, and on the first of each succeeding July until the whole amount of tax so levied shall be paid; of which installments all after the first shall bear interest at the rate of six per centum per annum, commencing from the date at which the first installment becomes due, but may at the option of the owner of the property taxed be paid and discharged in full at any time after the tax shall have been levied: *Provided*, That the first of said five annual installments shall be due and payable on a day to be fixed by the board of public works after the same shall have been assessed by the water-registrar under the direction of the said board, on the lots and parts of lots respectively chargeable therewith, of which notice shall be given by the water-registrar, by publication in some newspaper published in the city of Washington, setting forth the number of the square in which the property on which the tax due is situated, and the street or avenue on which it fronts, which notice shall be published three times a week for three successive weeks, and the said board is authorized and directed to allow an abatement of six per centum upon the taxes levied when the same shall be paid in full within thirty days from the time notice is given of the levying of said tax; and not more than one tax shall be levied upon the same lot.

34. Fire-plugs shall be erected throughout the city, and for that purpose the board of public works is authorized and empowered to lay and collect through the water-registrar an annual tax, which shall be due and payable on the first of July in each year after the same shall have been levied, on all buildings situated within five hundred feet of any main water-pipe into which on the premises connected therewith the water has not been introduced, and the owners or occupants of which do not pay to this District an annual water rate or rent; which tax shall be levied with reference to the assessed value of the buildings so taxed, and shall not be more than five dollars nor less than one dollar per year: *Provided*, That whenever the water shall be introduced in conformity with law into any building or premises, the fire-plug tax thereon shall

cease, and whenever the water shall be discontinued from any building or premises into which it has been introduced, the said building shall be subject to the fire-plug tax from the date of the discontinuance of the water.

35. The board of public works shall have power to modify, alter, or amend the scale of water-rents from time to time, as to them shall seem necessary and expedient; but not to increase the same beyond the now established scale of water-rents.

36. It shall be the duty of the water-registrar, on or about the first day of January of each year, to report to the collector of taxes all property on which the water-tax or fire-plug tax shall be due and unpaid, and the collector of taxes shall include the same in his annual advertisement of property to be sold for delinquent taxes, and shall collect the same as other taxes are collected; shall notify the board of public works of such collections when made, and shall deposit the amount thereof specially to the credit of the water-fund.

CHAPTER XI.—ADMISSION TO PLACES OF AMUSEMENT, AND REGULATIONS CONCERNING RESTAURANTS, ETC.

1. It shall not be lawful for any person or persons who shall have obtained a license from this District for the purpose of giving a lecture, concert, exhibition, circus performance, theatrical entertainment, or for conducting a place of public amusement of any kind, to make any distinction on account of race or color, as regards the admission of persons to any part of the hall or audience-room where such lecture, concert, exhibition, or other entertainment may be given: *Provided*, That any person applying shall pay the regular price charged for admission to such part of the house as he or she may wish to occupy, and shall conduct himself or herself in an orderly and peaceable manner, while on the premises; and any person or persons offending herein shall forfeit and pay to this District for each offense a fine of not less than ten nor more than twenty dollars, to be collected and applied as are other fines.

2. Keepers or owners of restaurants, eating-houses, bar-rooms, or ice-cream saloons, or soda-fountains, at which food, refreshments, or drinks are sold, or keepers of barber-shops and bathing-houses, must put in a conspicuous place in their restaurants, eating-houses, ice-cream saloons, or places for the sale of soda-water, a scale of the prices for which the different articles they have for sale will be furnished.

3. Persons violating the provisions of the above section are to be deemed guilty of misdemeanor, and, upon conviction in a court having jurisdiction, are to be fined by the court not less than twenty dollars, and not more than fifty dollars.

4. Any restaurant-keeper or proprietor, any hotel-keeper or proprietor, proprietors or keepers of ice-cream saloons or places where soda-water is kept for sale, or keepers of barber-shops and bathing-houses, refusing to sell or wait upon any respectable well-behaved person, without regard to race, color, or previous condition of servitude, or any restaurant, hotel, ice-cream saloon, or soda-fountain, barber-shop or bathing-house keepers, or proprietors, who refuse under any pretext to serve any well-behaved respectable person in the same room, and at the same prices, as other well-behaved and respectable persons are served, shall be deemed guilty of a misdemeanor, and upon conviction in a court having jurisdiction shall be fined one hundred dollars, and shall forfeit his

or her license as keeper or owner of a restaurant, hotel, ice-cream saloon, or soda-fountain, as the case may be, and it shall not be lawful for the register or any officer of the District of Columbia to issue a license to any person or persons, or to their agent or agents, who shall have forfeited their license under the provisions of this chapter, until a period of one year shall have elapsed after such forfeiture.

CHAPTER XII.—THE SAFE-KEEPING OF GUNPOWDER, ETC.

1. Whenever gunpowder, (not the property of the United States,) shall be brought to the District of Columbia for sale or deposit in any quantity greater than thirty pounds, it shall be deposited in the United States arsenal at Greenleaf's Point within twelve hours thereafter, and, if brought by any ship or vessel, in forty-eight hours after breaking bulk, under pain, in either case, of incurring a penalty of twenty dollars for each offense. And persons depositing gunpowder as above shall be governed by the following regulations which have been prescribed by the Ordnance Department for the reception and delivery of gunpowder at the United States arsenal at Greenleaf's Point, viz:

1st. The commanding officer of the arsenal will cause to be received and safely preserved in the magazine at that place any quantity of gunpowder which may be offered for storage by any citizen of Washington; and will also deliver the same when required upon the conditions hereinafter mentioned.

2d. The packages containing gunpowder, when sent to the magazine for storage, must be in good order, and should be legibly marked with the initial letters of the owner's name, or with other suitable distinguishing marks by which they may be identified. An invoice signed by the owner or agent will be sent with every parcel of powder, and should describe the packages, and specify the number, marks and contents of each. Upon the reception of any parcel of powder in the magazine, receipts therefor will be given by an officer of the arsenal, which will specify the number, description, and contents of the packages received.

3d. The gunpowder will be delivered from the magazine upon the written orders of the owner or agent, (which orders will be deposited in the arsenal, and held as sufficient vouchers for the deliveries made,) and in any quantities, however small, not less than one entire package. No part of a package will be delivered at any time. Packages will be received into or delivered from the magazine on any day except Sunday, and at any hour between sunrise and sundown.

4th. A book will be kept at the arsenal in which all deposits and all deliveries of powder will be registered. A separate account will be kept for each parcel of powder deposited.

5th. The charges for receiving, delivering, and storing the powder will be as follows, viz:

For the reception of any parcel into the magazine, (whether large or small,) for registering the same, and for passing receipts therefor, for each separate parcel, twenty-five cents.

For the delivery of any parcel from the magazine, (whether large or small,) for each separate delivery, ten cents.

For storage, at the following rates, viz:

	For each package—		
	Or 1-4th cask of 25 lbs.	Or half barrel of 20 lbs.	Or barrel of 100 lbs.
For any period not exceeding three months	6 cents	9 cents	12 cents.
Exceeding three months and less than one year	12 cents	18 cents	25 cents.
Exceeding one year at this rate per annum	12 cents	18 cents	25 cents.

For packages containing less than twenty-five pounds, storage to be charged at the same rate, by weight, as for quarter-casks.

6th. The accounts will be stated, and the bills will be presented annually, for such parcels as may remain in the magazine for one year or more; and upon the delivery of the last of any parcel all charges due on that parcel to be paid, whether it has been on deposit for a greater or less period than one year. All moneys received on this account will be placed to the credit of the arsenal post fund.

2. No person shall keep in his, her, or their possession, in any house, building, or cellar within the limits of this District, any quantity of gunpowder exceeding thirty pounds, which shall be well secured in tin canisters, with small mouths, and a tin top to fit, each of which to contain not more than fourteen pounds weight, under the penalty of twenty dollars for each and every offense, and a further penalty of five dollars for every day in which gunpowder may be continued to be kept in violation of the provisions of this chapter.

3. In addition to the magazine at Washington Arsenal, designated in a preceding section as a place of deposit for gunpowder, merchants and others are authorized to use the magazine in Hospital Square for the same purpose, under the restrictions and regulations provided by law.

4. It shall not be lawful for any person or persons to sell to any child or children under the age of sixteen years, fire-arms, gunpowder, gun-caps, or other explosive substances, in any quantity or quantities, under a penalty of five dollars for each offense; to be collected and applied as other fines are.

CHAPTER XIII.—LIGHTS.

1. It shall not be lawful for any person or persons to use or carry any open or exposed lights into any stable, store-house, or in any building whatsoever within the limits of the District which is used for the stowage or sale of hay, straw, fodder, shucks, or any such substance. Any person so offending shall on conviction be fined not less than two nor more than twenty dollars for each offense, to be collected as other fines.

CHAPTER XIV.—SUNDAY.

1. All keepers of hotels, taverns, ordinaries, and restaurants are prohibited from selling spirituous, distilled, or fermented liquors on Sunday, and are required to have their bars or other places where liquor is usually sold closed on Sunday, during the entire day and evening; and all keepers of tippling-houses are prohibited from selling any kind of

spirituous, distilled, or fermented liquors on Sunday, and are required to have their houses closed on Sunday during the entire day and evening; and for the first violation of any of the requirements of this section the person or persons offending shall be fined not less than twenty nor more than forty dollars, and for the second offense a like fine shall be imposed, and the offender or offenders shall forfeit his, her, or their license, which shall be annulled by the register.

2. It shall not be lawful for any person in this District to cry aloud any articles for sale on the Sabbath day except newspapers, the crying aloud of which is permitted until one o'clock of that day; and any person or persons offending against this section shall be liable to a fine of not less than one nor more than five dollars for each offense.

3. It shall not be lawful for any person to keep open any place of business for the sale of any article or articles of profit during the Sabbath day, excepting apothecaries for the dispensing of medicines, and undertakers for the purpose of providing for the dead, or others for purposes of charity and necessity; and for any violation of this section the person offending shall for each offense be liable to a fine of not less than twenty nor more than forty dollars, one-half of which fine shall be paid to the informer.

4. Hackney-coaches, cabs, and other vehicles carrying persons for hire are prohibited from occupying the public stands or waiting anywhere upon the streets for fare on Sunday, except when actually engaged or attending at railroad-depots and steamboat-landings.

CHAPTER XV.—KILLING GAME.

1. It shall not be lawful to kill, sell, or offer for sale, or to buy any bird or birds of the pheasant, partridge, or quail species, between the first day of February and the first day of November in each year; any bird or birds of the woodcock species between the first of February and the fifth of July in each year; and any bird or birds of the lark or robin species between the first of April and the first of September in each year; and any bird or birds of the water-rail, sora, ortolan, or marsh-pullet species between the first of January and the fifth of September in each year; or to sell, or offer for sale, or to buy eggs of any of the species of birds above mentioned.

And it shall not be lawful to kill, sell, or offer for sale, or to buy any animal of the hare or wild rabbit species between the first day of February and the fourth of July in each year: *Provided*, That nothing in this law shall be so construed as to prohibit any person or persons from selling or offering for sale any bird or animal of the kind above described, to be kept in cages, aviaries, or otherwise, for preservation, or as objects of curiosity or amusement: *And provided further*, That nothing therein shall be so construed as to prevent the sale of the bird or fowl called or known as the prairie hen or chicken.

2. Any person offending against the provisions of this law shall forfeit and pay a sum of not less than one dollar nor more than three dollars for each and every offense.

CHAPTER XVI.—GAS-WORKS.

1. It shall not be lawful for any company, association, or individual, to erect, or cause to be erected, any buildings, works, or apparatus for

the manufacture of gas to be made from coal, tar, peat, pitch, turpentine, or other materials, to be used for the purpose of lighting the streets, or any buildings, manufactories, or houses in the District, or to convert or alter any building already erected to such purposes, without having first made application to the legislative assembly for permission so to do, stating the number of the square and the lot or lots designed so to be used, and the character of the buildings to be constructed, in order that the legislative assembly may prescribe such terms, conditions, restrictions, and regulations as may to them seem proper; and any company, association, or individual so erecting such building for such purposes, or converting or altering any building already erected to such purposes, without having first made such application and received permission so to do, shall be subject to a penalty of twenty-five dollars for such offense, and a further penalty of twenty-five dollars per day for every day such building shall remain erected or used for that purpose; and that whenever any building or apparatus shall be erected or altered for the purposes above stated, consistent with the provisions of this chapter, the company, association, or individual so erecting said building or apparatus, and the company, association, or individual manufacturing gas thereat, severally, shall so conduct the manufacture of gas, and preserve the cleanliness of the premises generally, as not to create a nuisance affecting either the health or the comfort of the neighborhood, under a penalty of twenty-five dollars per day, in either case, that such nuisance is suffered to exist.

CHAPTER XVII.—BINDING OUT AS APPRENTICES IN CERTAIN CASES.

1. It shall be lawful for the commissioners of the asylum, with the assistance and approbation of two justices of the peace, and they are hereby enjoined, to put forth and bind out to respectable housekeepers, mechanics, or farmers, poor orphan children; and the trustee and justices of the peace, or a majority of them, shall put forth and bind out such poor child or children; if a male child, till he shall have arrived at the age of twenty-one years; and if a female, till she shall have arrived at the age of sixteen years; and furthermore, the said justices, in conjunction with the said trustee, or a majority of them, amongst the common covenants in the indenture and indentures made and agreed upon between the parties, shall always insert a clause requiring of such master or mistress to cause such child or children to be taught and instructed in such branches of education as may to them seem necessary and reasonable; and the said justices and trustee, and their successors in office, are hereby appointed the guardians of all and every such poor child or children so put forth and bound out as aforesaid; to take care that the terms of indenture or indentures, covenant and covenants, agreed upon between them and the master or mistress of every such poor child, be performed and fulfilled, and that he, she, or they be not abused or maltreated; which said justices and trustee, or a majority of them, are hereby empowered and directed to inquire into the same, and to redress any such grievance or grievances in such method as the law hath prescribed.

CHAPTER XVIII.—PUBLIC PRINTING.

1. Unless otherwise expressly authorized by law, the advertising for the executive department of the government shall be limited to not more than two daily newspapers within the District of Columbia.

2. Whenever any executive officer of the District of Columbia shall deem it necessary or advisable to advertise in any newspaper or newspapers, he shall forward to the Secretary of the District two copies of the proposed advertisement, with a request for authority to publish the same, unless there be express direction by law for such advertising, and upon written authority being given by the secretary of the District for such advertising, together with instructions as to the newspapers (not exceeding the number above provided) in which the same is to be done, the advertisement may be inserted and published. But in the absence of express direction of law, no advertisement can be lawfully published, audited, or paid for, without written authority as hereinabove provided.

3. It shall be the duty of every executive officer to stipulate, before the insertion of any advertisement in a newspaper, concerning the price to be charged for the same. And it shall not be lawful to contract for, to audit or pay for, any account for advertising which exceeds the recognized market rate for such advertising.

4. Every advertisement inserted in a newspaper shall be at once reported by the officer inserting the same to the auditor of the District, with a copy of the advertisement, the names of the newspapers in which the same is to be published, the period of such publication, and the rates therefor.

5. Publishers shall first present their bills for advertising to the officer who issued the advertisement, and the latter shall cause the advertisement to be made out and certified; each advertisement to be charged as a separate item, the nature thereof definitely described, and a copy cut from the newspaper named in the bill appended to the order in which it is charged, and in convenient form for examination. Copy of the authority for the advertising shall also accompany the account. Where the accounts require approval by the Secretary they will be submitted to him for such action, after which they will be audited by the auditor of the District.

6. The following form for accounts for advertising shall, as far as practicable, be followed:

The District of Columbia

To Dr.

To insertion of annexed advertisement of in the " ,"
as follows:

Nature of advertisement.	Date of first insertion.	No. of squares or lines.	No. of insertions ordered.	No. of insertions charged.	Amount charged.		Amount allowed.	
					Dolls.	Cts.	Dolls.	Cts.
Total								

(State here the rate per square or line for first and subsequent insertions, and, if by the square, the number of lines counted as such.)

"I certify that the annexed advertisements were inserted by my order in this newspaper, for the period stated in the foregoing account, and that they were necessary for the public service."

(Official signature.)

7. Claims for advertisements copied from other papers without written authority from the secretary shall not be paid, unless they are expressly directed by law; nor shall any allowance be made for displayed advertisements, except for a line or two in the headings, nor for leading, nor shall any allowance be made beyond what would be made for the same as solid matter. No audit, allowance, or payment shall be made beyond what would be the proper charge for the advertisements set up close.

8. It shall be the duty of the executive officers, in ordering and auditing claims for advertisements, to practice and enforce economy, and to avoid verbiage in advertisements and in the headings and titles attached thereto.

9. In accounts for job-printing a sample shall accompany each bill, and the number of copies shall always be stated. When the charge is for book or pamphlet printing, containing more than four pages of matter, the amount of matter, (number of thousand "ems,") number of "tokens" of press-work, and the rate per thousand "ems" and per "token" must be stated; vouchers must show the place where, and the date when, the work was executed, and the printing be so described as to class, amount, and rate that the computation can be readily reviewed according to the customary methods in use among book and job printers. The number of quires or reams of paper and the price charged per quire or ream should be stated.

10. Advertisements and job-printing shall not be charged in the same account or be submitted for audit in the same letter of transmittal. Items payable from different appropriations or funds must also be charged separately, and where such items are improperly aggregated in an account it shall be the duty of the auditor to require their proper presentation in separate accounts.

CHAPTER XIX.—MARKETS.

1. The market-hours in the several markets shall begin at daylight in the morning; and it shall not be lawful for any person to take possession of or occupy any of the stalls, stands, or places in, adjoining, or about either of the said markets earlier than two hours before sunset on the day preceding every market-day, under a penalty not exceeding five dollars for every offense; this regulation shall not be considered as extending to the markets on Saturday evenings, as provided for by this section; and the market days and hours in the several markets shall be as follows: In the Centre market, on Tuesday, Thursday, and Saturday mornings, and on Saturday evenings; at the West market, Northern market, and Eastern market, on Monday, Wednesday, and Friday mornings, and on Saturday evenings; at the Georgetown market each day, except Sunday, shall be a market-day. The markets to be kept open from the first day of May to the first day of October until ten o'clock a. m., and from the first day of October until the first day of May until eleven o'clock a. m.; and the market-masters of the respective markets shall on Saturday evenings, from the first day of October to the first day of May, close the markets at eight o'clock p. m., and from the

first day of May to the first day of October at ten o'clock p. m.; notice to be given by the market-masters of the respective markets of the closing of the same by the ringing of the bell fifteen minutes before the hour of closing.

2. It shall not be lawful for any person or persons to buy any provisions or fruits in either of said markets during the market-hours aforesaid, or which may hereafter be fixed by law, for the purpose of selling them again in said markets, under a penalty of not less than ten nor more than twenty dollars for each and every such offense.

3. It shall not be lawful for any person or persons to buy up out of the said several markets any provisions, fruits, or articles of food, for the purpose of selling the same in either of said markets, without first having obtained a license, under the penalty of not less than ten nor more than twenty dollars for each and every such offense: *Provided, however*, That butchers may purchase live stock of any kind without being subject to this provision.

4. It shall not be lawful for any person or persons to sell or expose for sale in either of said markets any unsound, blown, or unwholesome meat, or other articles of provisions, under a penalty of not less than five nor more than ten dollars for each and every such offense.

5. It shall not be lawful for any person or persons willfully to break or or otherwise injure any market-house or permanent fixed bench, movable or other stall, or break, remove, or in any manner injure any pavement in or about any market-house, under a penalty of not less than ten nor more than twenty dollars for each and every such offense. It shall not be lawful for any person or persons to make, kindle, carry, or have in either of the market-houses any fire, unless the same be placed in a secure vessel, so that the fire cannot injure the pavement or walls of the market, nor burn any fuel producing a smoke that, in the opinion of the market-master, may be offensive to persons about the market, under a penalty of not less than five nor more than ten dollars for each and every such offense.

6. It shall not be lawful for any person or persons to place or throw any coals, cinders, ashes, or dirt, or any watermelon, canteloupe, or muskmelon rinds on or about any of the pavements or grounds of the market-houses without the consent and by the authority of the market-master, under a penalty of not less than five nor more than ten dollars for each and every such offense.

7. It shall not be lawful for any person or persons at any time to sell or expose for sale within the limits of either of the markets any wine, beer, cider, or other fermented or spirituous liquors, under a penalty of not less than ten nor more than twenty dollars for every such offense; but nothing herein shall be construed to prohibit the sale of cider in quantities not less than half a barrel.

8. It shall not be lawful for any person or persons to take into either of the market-houses any wheelbarrow or other vehicle or thing calculated to obstruct the free passage therein or of the pavements adjoining the same, under a penalty of not less than two nor more than five dollars for each and every such offense.

9. It shall not be lawful for any constable or constables, auctioneer or auctioneers, to sell within either of the market-houses or market-places, or during market-hours, any goods, wares, merchandise, or furniture, within one hundred feet of either of said markets, under a penalty of not less than ten nor more than twenty dollars for each and every such offense.

10. It shall not be lawful for any person or persons to permit or allow

any animal of the dog kind to accompany him, her, or them into any market-house of this city during market-hours, under a penalty for each and every offense of not less than one nor more than three dollars.

11. It shall be the duty of the market-masters of the several markets at all times to prevent idle or disorderly persons frequenting the same; and any person or persons who may be found behaving in a disorderly manner within or about either of the said market-houses shall forfeit and pay a fine of not less than five nor more than ten dollars for each and every offense.

12. And any person or persons convicted of any offense under any section of this chapter who shall fail to pay the fine and penalty thereto attached, or secure the payment of the same immediately upon such conviction, shall be imprisoned in the work-house until such fine and all costs thereon be paid or secured to be paid; but no person shall be imprisoned in said work-house for any offense under this chapter for a period longer than thirty days for any one offense; and in all cases of a violation of any of the provisions of this chapter to which no amount of penalty is affixed, the said penalty shall be ten dollars, to be recovered and collected as other penalties.

13. All articles in each of said markets that shall be offered for sale for a certain weight or measure, and on examination by the market-master shall be found deficient therein, shall be forfeited to this District, and shall be seized and sold by the market-masters of the respective markets, the proceeds of such sales to be deposited to the credit of the general fund.

14. It shall not be lawful for any person or persons to sell or offer for sale fresh meat of any kind in either of the markets, except at the stalls or stands rented and known as butchers' stalls or stands: *Provided, however*, That farmers, graziers, or raisers of cattle may be permitted to offer meat of their own raising in quantity not less than one-quarter of an entire carcass: *And provided also*, That any person may offer hogs for sale in quantity not less than an entire carcass; and for each and every infraction of any of the provisions of this section, the person or persons so offending shall forfeit the meat so offered for sale and pay a fine of not less than five nor more than ten dollars; the meat so forfeited shall be conveyed to the alms-house for the use of the poor; but nothing in this section shall be construed as applied to the sale of the meat of wild animals.

15. It shall not be lawful for any person or persons engaged in buying or selling meats, vegetables, eggs, poultry, butter, or other description of produce in the public markets to enter into agreement or combination with any other person or persons whatever, either directly or indirectly, for the purpose of regulating, controlling, or raising the price of such articles; and if any person or persons shall so agree or combine, they shall be liable to a fine of not less than ten nor more than twenty dollars for each offense, to be recovered and applied as other fines are.

16. The market-masters of the several markets, except the Centre market, shall, subject to the supervision and direction of the commissioners of the respective markets, at least two weeks previous to the first day of July in each year, appraise, value, and assess all the stalls and stands, other than the stands appropriated for the use of and occupied by butchers in their respective market-houses, and the governor shall offer the same for sale at public auction during the first week in July annually, to the highest bidder, for a term not less than one year; and the governor shall give public notice of the day such stands or

stalls shall be sold or rented, in one or more newspapers of this District, for two weeks previous thereto, and by causing handbills to be fixed up in each of the market-houses twelve days previous to the day of sale: *Provided*, That in case any stall or stand shall not be rented on the day of public sale, or before, as hereinafter provided, the market-master of the market, under the direction of the commissioners, may, at any time thereafter, after giving three days' notice, by affixing to such stall or stand a suitable notice, proceed to rent the same to the highest bidder for cash, on such terms as the said commissioners and market-master may deem reasonable and consistent with the public interest, for the remainder of the year ending the first of July: *Provided, however*, That persons who shall occupy and rent stalls or stands thus required to be sold, and who are desirous of continuing to occupy and rent the same, may be permitted to do so at the rate of rent which may be assessed by the said market-master and commissioners as the annual value thereof, upon such person or persons paying the amount required for the succeeding year previous to the day on which such stalls or stands are required to be offered for sale; and it shall be the duty of the said market-masters to give such notice as they may deem suitable and sufficient of such assessment and valuation as may enable the occupiers of such stalls or stands to avail themselves of the privilege of re-renting the same; and the sale by auction as required by this chapter shall only apply to such stalls, stands, and benches as shall not have been paid for as hereby prescribed. And all money arising from the sale or rent of such stalls, stands, and benches shall be deposited to the credit of the general fund on or before the first day of August next ensuing the date of notice of such sale, under penalty of forfeiture of such stall, stand, or bench; and upon the delivery of the certificate of deposit to the market-masters of the several markets, whose duty it shall be, under and subject to the supervision and direction of the commissioners of the respective markets, to return the same, with the name, number of, and the amount paid for such stall, stand, or bench, to the register, who, on the receipt thereof, is hereby required to issue a license or licenses to every such person or persons so renting, designating the place, name, and number of such stall, stand, or bench on the license or licenses so issued: *Provided*, That if either of the market-masters of the several markets shall receive the money arising from the sale or rent of such stall, stand, or bench, he shall forfeit and pay a sum not less than ten nor more than twenty dollars for each and every such offense.

17. All the provisions, terms, and conditions of the preceding section shall be deemed to apply and to govern the sale and renting of the stalls, stands, and benches for the sale of fresh fish in the several markets, except the Centre market, of this District; and it is hereby declared to be the privilege of persons who rent a side stall or stand for the sale of fresh fish to be entitled to the curb-stone opposite said stall or stand, to back up their cart or other vehicle for the sale of fish therefrom; and any person obstructing the line of curb opposite the passage-ways, after being notified by the market-master of the market to remove therefrom, shall forfeit and pay for each offense the sum of five dollars: *Provided, however*, That the said stalls and stands for the sale of fish in the Western market shall be sold subject to the condition that they be removed by the party or parties so renting, occupying, or purchasing the same, immediately after market-hours, to such place within the inclosure as the market-master of said market may direct; and any person or persons, so renting or occupying, refusing to remove such stall or stand when

directed by the market-master of said market, or who shall occupy any stand, stall, or bench for the sale of fresh fish, other than the one designated by the said market-master, shall, upon conviction thereof, forfeit and pay for each offense the sum of not less than one dollar nor more than ten dollars.

18. It shall be the duty of the market-masters of the several markets to lay off and mark in convenient spaces the several pavements in, adjoining to, and bordering on the market-squares or open spaces or thoroughfares, and which may be used for the sale, or exposure for sale, of vegetables or other country produce; and any person or persons using any more of said space or spaces than may be assigned them by the said market-masters, shall forfeit and pay a sum of not less than five nor more than ten dollars for any market-day or less time they may use any such place.

19. It shall not be lawful for any butcher, produce-vender, or other person to rent more than one stall or stand in the aforesaid market-houses, unless satisfactory evidence shall be first given to the register that the same are rented for the exclusive use and occupancy of the person or persons renting them.

20. It shall not be lawful for any butcher, or other person renting a stall or stand in any of the market-houses from the District, to transfer the use or occupancy of such stall or stand to any other person without the consent of the commissioners of the market.

21. It shall not be lawful for any person or persons to use or occupy any stall or stand in any of the market-houses without having first rented the same from the District, under a penalty of five dollars for every market-day that the same may be used or occupied without license, to be recovered from the person using or occupying the same contrary to law: *Provided, however*, That in all cases where a stall or stand shall become unoccupied or vacant by the death of the person by whom it shall have been rented, the register is hereby required to refund to the legal representative or representatives of such person the proportion of his annual rent for the remainder of the term for which the same may have been rented, unless the legal representatives of the deceased shall choose to continue the occupation of such stall for the remainder of the term.

22. It shall not be lawful for any person or persons to erect any stall or stand, or erect or place any block, bench, or other fixture, in any of the market-houses, or on any pavement within, adjoining, or adjacent thereto, from which to sell, or expose for sale, bacon or other meat, without the consent of the market-master of said market first had and obtained, and then only upon such terms and conditions as he may prescribe, under a penalty of not exceeding five dollars for every day such block, bench, stall, stand, or fixture may remain.

23. It shall not be lawful for any butcher, or other person or persons, to erect, or to cause to be erected, under his or their respective stalls or stands, in any market-house, any box or closet, without the consent of the market-master of the market, (and then the same shall be raised at least four inches above the pavement,) under a penalty of forfeiting and paying a sum not exceeding five dollars for each and every week such box or closet may remain under such stalls or stands.

24. It shall not be lawful for any person or persons to sell, or offer for sale, on any of the benches or stalls appropriated for and sold as vegetable stands or stalls, any species of merchandise other than edibles, or articles usually brought for sale from the country; and any person who shall violate this provision shall forfeit and pay, for each and every such offense, the sum of not less than ten nor more than twenty dollars.

25. It shall not be lawful for any butcher or butchers bringing meat to any of the market-houses of this District for sale, to leave the legs, head, or offal of any animal within or about such market-house after the usual market-hours, under a penalty of not exceeding twenty dollars for each and every such offense; and it shall be the duty of the market-masters of the respective markets to designate a site on each market-square where each butcher or other person occupying a stall or stand in said market-house, and who may bring his or her meat or produce thereto in a cart, wagon, or other carriage, shall, within ten minutes after having taken out his or her meats or produce from such cart, wagon, or other carriage for sale, cause his or her cart or carts, wagon or wagons, or other vehicles, to be placed, and his or her horse or horses removed therefrom and securely fastened; and any butcher or other person refusing to comply with the commands of the market-master in this respect shall forfeit and pay the sum of two dollars for each and every such offense; and the said market-masters are also hereby authorized and required to designate and assign stands and places in and about their respective market-squares for the sale, or exposure for sale, of horses, oxen, hogs, sheep, calves, and other animals; and the owner or owners, or the persons having charge of the same, shall occupy such stands and places, under such regulations as the commissioners and market-masters of the several markets may prescribe and direct; and the said owner or owners, or person or persons, having said animals in charge, shall not, during market-hours, occupy any other ground in or about either of said markets, under a penalty of not less than five nor more than ten dollars for each and every offense.

26. And all hay, straw, fodder, shucks, wood, and charcoal, and other articles of large bulk that may be brought in carts or wagons to either of the markets of this District for sale, shall occupy such stands as the market-masters of said markets may assign; and any person refusing to occupy the stand assigned him by the market-master, or shall place his wagon, cart, or other vehicle in any other place about either of the said markets, or on any street or avenue bordering thereon, shall forfeit and pay a sum not exceeding five dollars for every such refusal: *Provided, however*, That no wagon, cart, or other vehicle loaded with hay or straw shall stand about said markets, or on the avenues or streets bordering thereon, the poles fastening down the hay or straw upon which shall project more than three feet behind the carriage or hindermost fastening thereof, after having been once notified by the market-master of the market, under a penalty of not exceeding five dollars for every offense; and it is hereby made the duty of said market-masters of the several markets to prosecute all offenses against this section of this chapter.

27. And the market-masters of the Western, Northern, Eastern, and Georgetown markets are directed and required to cause the snow to be removed from the pavements and walks in and around their respective market-houses immediately after it has ceased to fall, so as to keep the said walks and pavements constantly passable; and they shall cause their respective market-houses to be regularly swept and cleaned, and shall cause, at least once in every month, all the filth and manure in and about the said markets and grounds, and in the gutters adjoining the pavements bordering on said markets, to be collected in convenient heaps and piles, to be disposed of for the benefit of this District, under such regulations as shall be prescribed by the commissioners of said several markets.

28. If any person or persons shall resist or obstruct any market-master or assistant of a market-master in the execution of his duty, he, she, or they so offending shall forfeit and pay not less than ten nor more than twenty dollars for every such offense.

29. The register is authorized to issue licenses annually for two or more stands at or near each of the market-houses in the District, under the control of the governor, for cooking and eating houses, at such rates as may be placed upon them by the commissioners of the respective market-houses; and the said licenses shall be granted to such persons as may be designated by the governor: *Provided*, That the register may at any time, upon the recommendation of the commissioners of their respective market-houses, revoke said licenses and refund the proportional amount of each unexpired license. And no other stands for cooking or eating house purposes shall be allowed at any of the market-houses but those which are herein authorized.

30. All bills for cleaning and improving markets, or for other expenses incurred by authority of law, shall be certified by the market-master and approved by the commissioners before payment.

31. It shall not be lawful for any person or persons, owning any animal of the horse kind affected with the glanders or any other contagious or infectious disease, to suffer such animal to be brought within the limits of any market-space of this District; and the person or persons so offending shall be fined five dollars for each and every animal so found within the limits of any or either of said markets, to be recovered and applied as other fines.

32. It shall be lawful for any farmer, grazier, or raiser of cattle to sell any kind of fresh meat of his own raising, or of any animals which he has owned and fed not less than six months, in any quantity, within the limits of any of the market-houses in this District, either from rented stalls or stands therein or from his own wagon or vehicle.

33. All the regulations contained in the preceding sections of this chapter, except those relating to the sale and renting of stalls, shall be deemed and held to apply to the market-house under the control of the Washington Market Company; and for the purposes of this section the superintendent of said market-house and his successors are hereby vested with all the duties and powers of the market-masters in the several market-houses under the control of the governor, and made subject to the same penalties as the said market-masters for failure to comply with the regulations contained in this chapter.

WHARVES.

SECTION 1. Proprietors of water-lots on the Potomac River, Eastern Branch, and Rock Creek may erect wharves in front of their own lots not to extend farther than the channel, and in such manner as not to interfere with navigation.

SEC. 2. Whenever such wharves are built within the limits of Georgetown and Washington, a space is to be left wherever the general plan of the streets of said cities requires it, of equal breadth with those streets, which, if made by an individual holding the adjacent property, shall be subject to his separate occupation and use until the District shall reimburse the expense of making such street; and where no street intersects said wharf there shall be left a space of sixty feet for a street at the termination of every three hundred feet of made ground.

SEC. 3. Buildings erected on wharves shall conform to the regulations prescribed in Chapter xx, Title xii, Part 1.

SEC. 4. The board of public works shall have the control of public wharves, and shall make such rules as may be necessary for the preservation of the navigation of the Potomac and Anacostia Rivers and Rock Creek, and the safe construction and repair of private wharves.

SEC. 5. No vessel shall be anchored within seventy-five feet of the front of any wharf, or moored to a wharf so as to obstruct more than one-half of the dock between any two wharves, under a penalty of not over twenty dollars for each day the obstruction is allowed to remain, recoverable for the use of the District in the police court.

SEC. 6. Persons owning or leasing wharves upon the Potomac River used other than as strictly private wharves shall keep such wharves properly lighted at night, under a penalty of not over fifty dollars for each night's failure to do so, to be recovered for the use of the District in the police court.

CHAPTER XX.—RULES AND REGULATIONS FOR BUILDING.

1. All that portion of the District of Columbia lying within the limits of the cities of Washington and Georgetown shall constitute the building-limits designated under these rules, in which all walls, structures, buildings or parts thereof, except bridges, quays, wharves, or buildings belonging to the Government of the United States, shall hereafter be built, altered or repaired, in conformity with the provisions of these rules.

2. In the construction of these rules the following terms shall have the respective meaning hereinafter assigned to them:

"External wall" shall apply to every outer wall or vertical inclosure of a building other than a party-wall.

"Party-wall" shall apply to every wall used or built as a separation of any building from any other building, with a view to the same being occupied by different persons or intended to be hereafter used for that purpose.

"Partition-wall" shall be understood to mean any interior wall of masonry or brick-work.

"Partition" shall be construed to mean any interior division constructed of iron, glass, wood, lath and plaster, or either of these materials combined.

"Foundation-wall" shall be understood to mean that portion of any exterior wall below the level of the adjoining earth or pavement, and that portion of any partition or party wall below the level of the basement or cellar floor.

"Cellar" shall be construed to mean the lowest story of a building, if partially or entirely below the level of the adjoining street or ground, and not suitable for habitation.

"Basement" shall be construed to mean a story partially below the level of the adjoining street, and suitable and adapted for habitation.

"First story" shall be construed to mean the story the floor of which is first above the level of the sidewalk or adjoining ground. The other stories shall be numbered in regular succession, counting upward.

"Attic-story" shall be construed to mean a story situated either in whole or in part in the roof.

"Wooden building" shall be construed to include any building of

which any external or party wall is constructed in whole or in part of wood.

"Tenement-house" shall be construed to include every house, building, or portion thereof, which is rented, leased, let or hired out to be occupied, or is occupied, as the house or residence of more than three families living independently of another, and doing their cooking upon the premises, but having a common right in the halls, stairway, yard, water-closet, or privies, or some of them.

"Lodging-house" shall be construed to mean and include any house, building, or portion thereof in which persons are lodged for hire for a single night or for less than a week at one time.

"Shed" shall be construed to mean a structure, one or more sides of which are entirely or mainly open.

"Building owner" shall be construed to mean such one of the owners of the premises separated by or adjoining to any party structure as is desirous of executing any work in respect to such party structure, and the owner of the other premises shall be called the "adjoining owner."

3. The inspector of buildings under the board of public works of the District of Columbia shall be charged with the survey and inspection of buildings and the enforcement of these rules.

4. The inspector of buildings shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation that he will faithfully, impartially, and truly execute and perform the duties imposed upon him under these rules, and enforce the rules fairly, according to the best of his judgment and ability; which said oath or affirmation shall be filed in the office of the board of public works. He shall, moreover, before entering on the duties of his office, execute a bond to the board of public works in the sum of twenty thousand dollars, with three sureties, to be approved by the said board at a regular meeting, conditioned for the faithful performance of the duties as enumerated above; which bond shall be for the use of any or all persons who may be aggrieved by the act or neglect of said officer.

5. It shall be the duty of the inspector of buildings to sign all certificates and notices required to be issued under these rules; to keep on file all applications and notices received; to keep the record of all violations of any of these rules, and all other matters relative thereto; report them, when necessary, to the attorney of the board of public works, who shall prosecute them without delay; and no suit shall be discontinued or compromised unless by express orders of the board of public works, issued at a regular meeting; to keep on hand blanks for applications and complaints, which shall be used by those having business to transact with the inspector on all occasions for which they are intended; to make an annual report of the operations of his office to the board of public works.

6. The inspector of buildings shall examine all houses or buildings in course of erection, alteration, or repair, as often as necessary, to see that they are erected, constructed, altered, or repaired in accordance with the requirements of these rules; that the materials used are suitable for the purpose, and that the work is done in a substantial manner, and is of sufficient strength and solidity to answer the purpose for which it is designed. It shall also be his duty to examine all buildings observed or reported as dangerous, and to make a record of all such examinations, with the name of the street and number of the building, the names of the owner or lessee, and for what purpose occupied, and, in case of fire, the probable origin thereof. He shall examine any buildings under application to raise, enlarge, alter, or build upon, when neces-

sary, and make a record of the condition of the same; he shall, on application for that purpose, furnish the owner or owners, contractor or contractors, his certificate that their houses or buildings are in all respects conformable to law and properly constructed.

7. The inspector of buildings shall, by and with the approval of the board of public works, have power to appoint assistant inspectors, to assist him in the performance of his duties, who shall be architects or able and experienced mechanics, competent to perform all the duties of the office to which they are appointed; and should the inspector of buildings be prevented by illness or any other unavoidable circumstances from attending to the duties of his office, he may, with the consent of the board of public works, appoint some other person as his deputy to perform all his duties for such time as he may be temporarily prevented from executing them. And the inspector of buildings shall also have been engaged in conducting or carrying on business as an architect or builder for at least seven years, of which he shall make oath before the board of public works.

8. The officer or officers charged with the enforcement of these rules shall, as far as may be necessary for the performance of their duties, have the right to enter any building or premises within the aforesaid building-limits upon showing a badge designating their office; and any person who shall interfere with or prevent him or them in the performance of his or their duties, shall be liable to a fine of not less than ten nor more than forty dollars.

9. Persons intending to erect any new building or to alter any house or building, so as to make it substantially a new building, or so as to touch its stability or safety, must make written application for, and obtain, the permit before commencing work, under a penalty of fifty dollars for each violation of this rule.

Plans and specifications of the proposed improvements shall be submitted to the inspector of buildings whenever he is in doubt about the propriety of issuing the permit. In case the permit is refused an appeal may be taken to the board of public works, the said appellant to state in writing the ground on which the appeal is based. In general, appeals may be taken in like manner to the board of public works from all rulings of the inspector of buildings.

10. It shall and may be lawful for any person or persons engaged in erecting or repairing a building to occupy with the building-materials the inside half of the breadth of the footway and one-third part of the breadth of the carriage-way, and no more, in front of any lot on which the building is being erected or repaired; and the inspector of buildings shall, with the consent of either adjoining owner, be authorized to permit the occupation of the frontage of one adjoining lot in special cases and for the same purposes, said materials to be placed in such position and so arranged as may be approved by the inspector of buildings or his duly-authorized agent; but no gutter shall thereby be obstructed so as to prevent the free passage of the drainage of the same: *Provided, however*, That nothing herein contained shall prevent the granting of permits for the temporary damming of a gutter for collecting water for building-purposes when there are no other available means, and under such conditions as the inspector of buildings may prescribe. No streets laid with modern pavements shall be used for the purpose of making mortar unless such be done in a tight mortar-pan, and nothing shall be construed in this section so that the free passage of wagons, carts, drays, or other carriages may be obstructed or impeded.

The inspector of buildings may issue permits for erecting temporary sheds at building-sites for the use of builders.

All materials and rubbish shall be removed by the contractor or owner of the property within five days after said building shall be completed or when directed by the proper officer or officers.

11. It shall not be lawful for any person or persons to make any excavation for a cellar, vault, or other structure, or cause it to be done, upon the front or side of any lot adjoining a street without properly protecting the same.

12. Vaults may be made not beyond the inner line of the pavement-curb, to be securely covered with substantial flagging, or arched with hard brick, the crown of the arch to be at least twelve inches below the established surface of the footway; and any opening in the top of the vault shall be adjoining to or near the curb-stone, and have a suitable iron grating or covering placed therein; and no iron grating or other fixture shall project above or be sunk below the established graduation of the pavement.

13. No projections, porticos, bay-windows, areas, steps, or cellar-doors shall be made or increased beyond the building-line, without a special permit having been obtained.

14. Every building, with the exceptions hereinafter mentioned, shall be built of brick, stone, iron, or other hard and incombustible material, and with foundations resting upon the solid ground, or upon concrete, piles, planks, or other solid substructure. Every wall constructed of brick, stone, or other similar substance shall be properly bonded and solidly built with lime or cement mortar. The thickness of every wall as hereinafter determined shall be the minimum thickness for dwellings, and as applied to solid walls laid with block-stone in horizontal courses or with brick. If any walls are laid with irregular rubble-work, the thickness shall be one-fourth greater than the thickness given below. Thin ashlar-facings shall not be counted in determining the thickness of walls under these rules. In all buildings hereafter erected situated on the street-corner, the bearing-wall thereof—that is, the wall on the street upon which the beams rest—shall be four inches thicker in all cases than is otherwise provided for by these rules.

15. The thickness of the walls of all buildings hereafter erected, constructed, built, or altered shall be as follows, to wit: In buildings not more than thirty-five feet high and less than twenty-five feet in width, the cellar or foundation walls shall be not less than thirteen inches in thickness, the external and party walls not less than nine inches; for buildings of same height, but twenty-five feet or more in width, the external and party walls shall not be less than thirteen inches thick for the full height thereof; in all buildings exceeding thirty-five but not exceeding forty-five feet in height, the cellar or foundation walls shall not be less than eighteen inches in thickness, the front and party-walls of stories above not less than thirteen inches in thickness; in all buildings exceeding forty-five, but not exceeding fifty-five feet in height, the foundation or cellar-walls shall not be less than eighteen inches in thickness, the party-walls not less than thirteen inches, and the front walls not less than eighteen inches to the height of the first story, and thirteen inches the remainder of the height; and whenever any builder, owner, or contractor may construct or erect any building to a greater height than those above specified, or for other purposes than dwellings, the increased thickness of the walls shall be determined by the inspector of buildings: *Provided*, That in any case where the proposed building is to be used for a store-house, or similar purposes, the party or division walls shall not be less than thir-

teen inches the full height thereof. The height of all walls as above shall be computed from the curb-level. The bottom course for all foundation-walls resting upon the ground shall be at least nine inches wider than the thickness above given for the foundation-walls.

16. No recess of any kind shall be made in any nine-inch party-wall. Whenever it becomes desirable to cut a doorway through any party-wall separating two buildings, a notice of the intention to do so shall be filed with the inspector of buildings, who shall decide what safeguards are necessary for the closing of said doorway during the time it is not used.

17. All the inclosing walls of a building must be brought up simultaneously, and in no case shall the work on the side walls be ahead of the work on the front wall more than the height of one story.

The side, end, or party-walls shall be anchored at each tier of beams, at intervals of not more than ten feet apart, with good strong wrought-iron anchors one-half inch by one inch, well built into the side walls and well fastened to the side of the beams by not less than three wrought-iron nails at least one-fourth of an inch in diameter, so as to form continuous ties across the building on each floor.

18. All party-walls shall be brought up through the roof-covering and shall be built up at least six inches above the flat of the roof of the highest building of which such wall forms a part for the full extent of the flat, and shall be covered by brick laid on slate, or a coping of stone or metal, and so as effectually to prevent the connection of the roofing of any two or more houses or buildings.

19. In all adjoining buildings hereafter erected, the floor-timbers built into the same party-wall from opposite sides shall have not less than four inches bearing, and shall be separated by not less than four inches of solid brick-work.

20. Exterior walls, faced with stone, shall have a backing of not less than nine inches of hard brick-work, laid in lime or cement mortar. The stone facing of a wall shall always be securely tied to the brick-backing by suitable iron clamps. All brick-facings must be securely tied to the backing.

21. All buildings hereafter erected shall be roofed with slate, tin, or other non-combustible roofing-material, and all buildings with flat roofs, or having no dormers, shall have a scuttle not less than two by three feet, with a permanent step-ladder or flight of stairs thereto.

22. All chimneys shall be built of brick, stone, or other fire-proof non-conducting material. All brick flues, without reference to the purpose for which they may be originally intended to be used, shall be smoothly plastered inside with good parging-mortar from top to bottom and on the outside between the ceiling-joints and rafters. Brick flues not starting from the foundation-walls shall be securely built into the brick-work of the walls to which they are hung, and shall be supported by courses of brick corbeled out from the main wall by successive projections. In cases where a breast of a chimney shall project more than four inches in any nine-inch wall or nine inches in a fourteen-inch wall, it shall be started and built on the same line from the foundation, or it shall rest upon a footing of masonry or iron, supported by iron beams, having a secure bearing on masonry or iron at either end.

All flues shall be topped out at least four feet above the roof of the building or buildings to which they belong or adjoin. The brick topping out of chimneys shall not have more than four inches projection unless covered by a cap of stone or iron properly secured. Hearths of fire-places or grates shall be laid upon trimmer-arches of bricks, the centering of which must be struck by bricklayers on completion; or upon bars

of iron supporting a bed of two courses of brick-work. All flues and chimneys shall be so constructed that fire will not communicate with the adjacent wood-work; and no wooden joist, rafter, beam, or girder shall therefore be built into any chimney or flue whatever, or shall be placed at a less distance than two inches from the outside of the brick-work of any flue, nor shall any flue be built in any party or division wall, unless the same be more than nine inches thick. In no case shall a nail be driven into the masonry of any flue, nor shall any base, flooring, or roofing, or any other wood-work be placed against any brick or other flues until the same shall be well plastered with plaster of Paris behind such wood-work.

23. No tin or other metal flue or flues, pipe or pipes, of a single thickness of metal, intended to convey heated air in any building hereafter to be built, altered, or erected, shall be allowed, unless the same be in a wall of brick or stone; in all other cases said flues or pipes shall be so constructed as to have a thickness of not less than one inch of plaster of Paris, or its equivalent, between the said pipe or flue and any timber or wood-work adjoining the frame, otherwise the pipes shall be doubled; that is, two pipes, one inside the other, at least one inch apart and filled in with non-conducting and non-combustible material.

24. No smoke-pipe in any building with wooden or combustible floors or ceilings shall enter any flue, unless it shall be at least eighteen inches from either the floor or ceilings; in cases where such pipes pass through stud or wooden partitions, they shall be guarded by either a double collar of metal with at least four inches of air-space and holes for ventilation, or by other means equally secure and approved by the inspector of buildings. In all cases where furnaces or boilers of any kind are used, the smoke-pipe must be kept at least two feet below beams or ceilings, unless said beams or ceilings are properly protected by a shield or tin plate suspended above said smoke-pipe with a sufficient space for the free circulation of air above and below said shield; and the smoke-pipe shall in all cases be kept at least eight inches from the beams or ceilings as aforesaid; and the top of all furnaces set in brick must be covered with brick, slate or tin plate, supported by iron bars, and so constructed as to be perfectly tight, said covering to be in addition to, and not less than six inches from, the ordinary covering to the hot-air chamber. If, however, there is not height enough to build a furnace-top at least four inches below the floors, beams, or ceilings, the floor-beams must be trimmed around the furnace; and said covering, and the trimmers and headers must be at least four inches from the same. The top of portable furnaces not set in brick shall be kept at least one foot below the beams or ceilings, with a shield of tin plate, made tight, suspended at least two inches below the said beams or ceilings, and extending one foot beyond the top of the furnace on all sides.

25. All hot-air registers hereafter placed in the floor of any buildings shall have an air-space extending all around their register-boxes, which must be guarded by tin on the outside.

26. All openings for doors and windows in all buildings, except as otherwise provided, shall have a good and sufficient arch of stone or brick, well built and keyed, and with good and sufficient abutments or a lintel of stone or iron.

On all openings in which the lintel shall be less than the thickness of the wall to be supported, there shall be a good timber-lintel on the inside of the other lintel, which shall rest at each end not more than four inches on any wall, and shall have an arch turned over said timber-

lintel; all arches over openings for ranges shall be supported by iron bars.

27. Openings of more than ten feet in width, and upon which a wall rests, shall be covered with iron beams or girders; if cast, they are to have wrought-iron tie-rods of sufficient strength, well fastened at each end of the beam or girder. All such beams shall have cast-iron shoes on the upper side, to answer for the skew-back of a brick or cut-stone arch, which said arch shall always be turned over the same, and the arch shall in no case be less than twelve inches in height by the width of the wall to be supported. Cut-stone or hard-brick arches, with two wrought-iron tie-rods of sufficient strength, may be turned over any opening less than thirty feet in width, provided they have skew-backs of cut stone, of cast or wrought iron, with which the bars or tension-rods shall be properly secured.

The above clause is intended to meet cases where the arch has not abutments of sufficient size to resist its thrust.

All lintels of stone fronts returned over a corner opening shall be of iron to the full breadth of the wall to be supported, and shall be made safe as above detailed; any support at the corner shall be of brick, cut stone, or iron; and if of iron, it shall be in the shape of a double column—that is, an outer and inner column—and the inner column shall be of sufficient strength to sustain safely the whole weight, and the outer column shall be made of sufficient size to allow a space of at least one inch between it and the inner column, which space shall be solidly filled with plaster of Paris, or some other non-conducting material which is equally secure.

28. All buildings hereafter built shall have trapped brick, iron, or tile drains, with air-tight joints, with a regular fall to the public sewers, and shall be properly entered therein if the sewer is already constructed, and, if not constructed, such connections shall be made whenever such sewer shall be constructed.

29. All dwellings erected upon filled or made land shall have a bed of concrete spread over the cellar-bottom or shall be paved with brick laid in cement throughout the whole extent of the building.

30. It shall be unlawful to make any water-closet without either an external window or suitable ventilating-flue running into a chimney-flue r t hrough the roof.

31. It shall not be lawful for any person or persons to erect, construct, or build any rear wall or any party or division wall between two or more houses or buildings upon any wooden supports whatever: *Provided, however*, That this shall not be taken to prohibit wooden girders over piazzas, bow-windows, or any opening not exceeding ten feet.

WOODEN STRUCTURES.

32. Wooden or frame buildings may be erected within the building-limits, designated under these rules, under the following limitations and restrictions, provided that they are not erected or placed within less than twenty-four feet of any house built of brick or other incombustible material, without first obtaining a special permit based upon sufficient reasons; but if such wooden building is intended to be occupied as a blacksmith's or whitesmith's shop, carpenter's shop, factory, a livery-stable, or as a stable, not used for domestic purposes, it shall not be erected within less than fifty feet of any stone or brick house without special permit as aforesaid: *Provided, however*, That this rule shall not be construed to apply to any piazza, platform, balcony, or bath-room

which does not exceed ten feet in width, or any bay or oriel window. Sheds not exceeding twelve feet in height at the peak or highest part thereof may be erected of wood. Wooden or frame sheds, for storage or other purposes, may be located and constructed upon wharves in such a manner as the inspector of buildings may direct. Privies, not exceeding ten feet square and ten feet high, covered with boards or shingles, may be erected in streets not sewered. But all depositories for ashes shall be built of brick or other fire-proof material, without wood in any part thereof. Any sign, of whatever material it may be constructed, now erected or that hereafter may be erected on the top or street front of any building, whenever it may be or may hereafter become rotten or unsafe, shall be taken down and removed on the order of the inspector of buildings.

33. No wooden building hereafter erected shall exceed the height of two stories up to the flat of the roof.

34. No wooden building to be used for the purpose of a dwelling-house shall be erected in a range of more than forty feet, without the intervention of a brick partition-wall at least nine inches in thickness, and said wall shall be carried at least six inches above the roof, whether said roof be flat or pitched.

35. Any wooden building to be used for other purposes than a dwelling-house shall be subject in construction to such restrictions as the inspector of buildings shall designate in the permit given by him for the erection of said building, and shall not be built at a less distance than ten feet from any wooden dwelling.

36. All wooden buildings shall be built upon proper piers of not less than twelve inches square, or upon posts of locust or cedar, and all these erections shall be properly braced and secured.

37. All chimneys in wooden buildings shall be built of brick or other fire-proof, non-conducting material. All brick flues shall be smoothly plastered inside with mortar from top to bottom, and outside between the roofing and ceiling joists.

In no case shall chimneys rest upon any flooring without a footing of masonry or iron, supported by iron bars, having a secure bearing on masonry or iron at either end. All flues shall be topped out at least four feet above the roof of the building to which they belong. The brick topping-out of chimneys shall not have more than two inches projection unless covered by a cap of metal or stone properly secured.

38. Hearths of fire-places or grates shall be laid upon brick or other trimmer arches, or upon bars of iron supporting a bed of brick-work.

39. No wood-work of any kind shall be placed at a less distance than one inch from the outside brick-work of any flue. In no case shall a nail be driven into the masonry of any flue. No wood-work shall be placed at a less distance than one inch from any tin or other metal flue or flues, pipe or pipes, used or intended to be used to convey heated air in any building, unless such flues or pipes be cased with metal, leaving a free circulation of air all around the same.

40. No smoke-pipe in any such wooden or frame building shall hereafter enter any flue unless the said pipe shall be at least twelve inches from the floors or ceilings; and in all cases where the smoke-pipes pass through stud or wooden partition of any kind, whether the same be plastered or not, they shall be guarded by either a double column of metal, with at least an inch of air-space and holes for ventilation, or its equivalent.

41. Every wooden building constructed contrary to the terms of this ordinance which may hereafter be damaged by fire or otherwise to an

amount not greater than one-half the value thereof, exclusive of the value of the foundation, may be repaired or rebuilt; but if such damage shall amount to more than one-half of such value thereof, then such building shall not be repaired or rebuilt, but shall be taken down. The amount and extent of such damage by fire or otherwise shall be determined by the inspector of buildings.

42. It shall be lawful for the owner or other party interested to make any necessary repairs upon any wooden or frame building already built: *Provided*, That the height of said building to the eaves shall not be increased thereby. It shall also be lawful to substitute for a gravel or pitch roof a flat roof covered with metal or other non-combustible material; but no wooden building now erected, or hereafter to be erected, shall be otherwise raised, roofed, enlarged, or built upon in such a manner that, were such buildings wholly built or constructed under these rules, it would be in violation of any of them.

43. It shall not be lawful to erect, construct, enlarge, or remove any wooden building anywhere within the ninth, twelfth, thirteenth, and fifteenth electoral districts, nor anywhere in the tenth district north of Pennsylvania avenue; nor shall such wooden buildings be lawful on both sides of Pennsylvania avenue, from First street west to Rock Creek, on both sides of Seventh and Fourteenth streets west from Pennsylvania avenue to Boundary street, and on both sides of K street north from Vermont avenue to Twenty-fifth street west.

Frame back buildings and stables off the main street are exempt from the operation of this section for the streets enumerated above, and sheds and privies, as specified under twelfth section, are exempt throughout from the operation of this section.

The area embraced in this section shall be duly enlarged whenever the progress of improvements should make it advisable, due legal notice being given thereof previously.

44. Any person or persons violating any of the provisions of the preceding rules for the erection of wooden buildings shall, upon written notice from the inspector of buildings, served upon him or them personally, or posted conspicuously upon the building erected or in progress of erection, alteration, or repair, in violation thereof, upon his or their neglect or refusal to alter said building, in conformity with the provisions of this ordnance, for a period of three days from said service or said posting, be liable to a penalty of not less than twenty nor more than fifty dollars, and to a like penalty for every day's continuance thereof.

PARTY-STRUCTURES.

45. In case of party-walls built in part upon adjoining lots under former or existing authority therefor, one moiety of the charge for the regulation dimensions, or so much thereof as the building owner shall have occasion to make use of, shall be paid for by him before he shall anyways use or break into the wall, the charge or value thereof to be computed by the inspector of buildings, unless the concerned parties mutually agree upon a person or persons for such purpose.

46. It shall be the duty of the inspector of buildings, upon the application of any building owner, or his authorized agent, to examine any or all existing party or division walls; and, if deemed and judged by him to be defective, out of repair, or otherwise unfit for the purpose of such new buildings about to be erected, such party or division walls shall be made good, repaired, or taken down by the building owner, as the decision may be, the cost and expense of which repair

or removal, together with the expense of the new wall or walls to be erected in lieu thereof, shall be borne and paid exclusively by him; and he shall also make good all damages occasioned thereby to the adjoining premises or to the internal finishings thereof; but if in such case the building-owner prefers to build an independent new wall of his own by the side of the old party-wall, he shall be relieved from re-imbursing the adjoining owner for former outlay in building the party-wall.

47. The foundations of any party-walls erected hereafter which shall be laid not less than five feet below grade on a good solid bottom, or on artificial means, preventing the walls from settling, shall be considered as legal structures; and any building-owner who will excavate to a greater depth, must, besides bearing the cost of necessary underpinning, protect the adjoining owner from all injury in consequence of such excavation, be it by cracks in the wall, settling, or otherwise.

48. All partition or party fences shall be kept in good and sufficient repair by the proprietors of the ground on each side at their joint expense: *Provided*, That the ground on each side shall be inclosed, used, or occupied; and if any person whose duty it shall be to make or keep in good repair any fence or part of a fence shall refuse or neglect to do so for five days after request being made by the other party interested, or his agent, then it shall be lawful for the party so making request, as aforesaid, to make or repair the whole fence or part of a fence, and to recover one-half of the expense thereof from the person so refusing or neglecting: *Provided also*, That no fence erected under the authority of this act shall be less than five nor more than seven feet in height, except by the consent of the parties interested on both sides of such fence, and that the expense of making such fence shall not exceed the market-value of a plain, substantial structure of the kind.

49. If any person shall inclose ground adjoining to that already inclosed, whereby he, she, or they shall be benefited by any fence before erected, the person so benefited shall pay therefor a just and reasonable compensation, regard being had to the condition of the fence at the time.

DANGEROUS STRUCTURES.

50. It shall be the duty of the inspector of buildings to inspect all buildings or parts of buildings, stagings, or other structures being dangerous or unsafe on his own observation, on the written request of any two citizens, or upon being notified by any officer of the Metropolitan Police; and if the same be insufficient and dangerous, he shall cause a description of such structure, with street and number, to be entered in the books of his department.

51. The inspector of buildings shall immediately serve a notice, in writing, upon the owner, agent, or other party having interest in the said structure, requiring the same to be made safe and secure, or removed, as may be deemed necessary: *Provided*, That, except in cases demanding immediate attention, the interested parties may appeal within forty-eight hours, by writing, to the board of public works; and if the decision of said board shall be against the sufficiency of such walls or structures, the owner thereof shall forthwith comply with the decision given. Upon the refusal or neglect of the owner or other interested party, the inspector of buildings may cause such unsafe or dangerous structure to be taken down, or otherwise made safe; and the cost and charges shall become a lien upon the said estate, to be collected according to law.

52. The lessee or occupant of any warehouse, store, manufactory, or other buildings in which there are hoistways or other openings, besides the usual stairways, shall cause the same to be securely protected by railings, or such other appliances as may be deemed necessary in special cases by the inspector of buildings.

53. No steam-engines shall be erected within the above-described building-limits without a special permit obtained from the board of public works, which will be issued or refused after the inspector of buildings has reported thereon.

TENEMENT AND LODGING HOUSES.

54. The inspector of buildings shall examine and approve the plans of any house, building, or portion thereof, intended to be used, occupied, rented, or leased as a tenement or lodging house, before the erection is commenced.

RESTRICTIONS AS TO DWELLINGS AND ROOMS FOR HUMAN HABITATION.

55. No dwelling whatever shall be constructed having windows on one side only, and no room intended for human habitation or sleeping shall have less than eight feet clear height.

PUBLIC HALLS, ETC.

56. The inspector of buildings shall not give a permit for the erection of any building to be used for public assemblies until he has carefully examined the plans and specifications thereof, and ascertained that the plans conform to the requirements of these regulations. A copy of said specifications shall be deposited in the office of said inspector.

57. In all buildings of a public character, already erected or hereafter to be built, such as public halls and places of amusement or instruction, the doors shall open outward; the hall-doors, stairway, seats, and aisles shall be so arranged as to facilitate egress in cases of fire or accident, and to afford the requisite and proper accommodation for the public protection in such cases. And all aisles and passage-ways in said buildings devoted to purposes of amusement or instruction shall be kept free from camp-stools, chairs, sofas, and other obstructions during any service, exhibition, lecture, performance, concert, ball, or any public assemblage; and the inspector of buildings may, at any time, serve a written or printed notice on the owner, lessee, or manager of any of said buildings, directing any act or thing to be done in or about the arrangements of said buildings, and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles, and escapes, so as to afford the greatest possible security and good ventilation to the public and the uses to which they may be severally applied.

58. The owners and lessees of theaters and public places of amusement are required, during the time said places are open to the public, to keep attached to a plug or water attachment, to be furnished by them for that purpose, sufficient hose of the size used by the fire-department of Washington and Georgetown, to extend to the farthest limits of said place of amusement; and said hose shall be kept at all times in good order and repair and ready for immediate use.

59. For any neglect or violation of the provisions of the fifty-sixth, fifty-seventh, and fifty-eighth sections of these rules, a penalty of one hundred dollars shall be imposed upon the owner, lessee, or other occupant of said places.

60. The inspector of buildings named under these rules shall have full power in passing upon any question relative to the mode, manner of construction, or material to be used in the erection, alteration, or repair of any building within the above-determined building-limit, where the same is not specially provided for herein, to make the same conform to the true intent, meaning, and spirit of the several provisions hereof; and shall also have discretionary power, upon application therefor, to modify or vary any of the several provisions of this act, to meet the requirements of special cases, where the same do not conflict with the public safety and the public good, so that substantial justice may be done; but no such deviation shall be permitted except the same shall be entered on the record of said inspector, and a certificate be first issued to the party applying for the same, such certificate to be issued only upon an order first being obtained therefor from the board of public works.

61. If any person or persons, as aforesaid, shall fail to have any new building, alteration, or repair constructed or completed as required by these rules, or otherwise fail to comply with their provisions, he or they so offending shall pay the sum of not less than fifty dollars nor more than five hundred dollars for each and every offense; and the further sum of one hundred dollars for each and every calendar month that said house or building shall be suffered to remain without the necessary alteration and the procuring of a proper certificate that the concerned building conforms to these requirements of the rules.

This applies to all cases where no penalty is specially provided for in the preceding sections.

These sums and all other penalties imposed under these rules shall be recoverable as debts are now or hereafter by law recovered. And the board of public works reserve the right in their discretion, good and sufficient cause being shown therefor, to remit any fines or penalties which any person or persons may incur under any of the provisions of this act.

62. If upon inspection it should appear that the work upon any building is going on in violation of any of the provisions of this ordinance, the inspector of buildings shall forthwith notify the owner or owners, contractor or contractors, of such violation; and if after such notice the said parties, or any or either of them, shall proceed in the erection or construction of such building, it shall be lawful, after due notice in writing, setting forth the said violation particularly, for the supreme court of the District of Columbia, or the justice thereof holding the equity court of said District, to issue forwith an injunction restraining such person or persons from further progress in said work until the facts of the case have been investigated and determined. And if it shall appear to the said court upon such investigation that such building does not in all respects conform to the provisions of this ordinance, said court, besides enforcing the penalty hereinbefore designated, shall issue an injunction to restrain the continuance of the work and to remove so much of the said building as may be decreed by the court within such time as the court may appoint.

MISCELLANEOUS.

63. No blacksmith's or whitesmith's shop, machine-shop, or steam sawmill shall be erected within thirty feet of any dwelling-house, nor shall any such shop now erected be extended, under a penalty of not less than two nor more than five dollars for every day such erection or exten-

sion shall remain after notice shall be given by the inspector of buildings for the removal thereof.

64. It shall not be lawful for any person or persons to establish, lay off, or conduct any brick-yard, brick-kiln, pottery-furnace, or any slaughter-house, or any soap or candle manufactory, bone-boiling or other establishment, whereby offensive odors are generated to the detriment or injury of the neighborhood, upon any rear site or upon any site not used as aforesaid, within the period of twelve months, within one hundred and fifty yards of any dwelling-house occupied or used within the designated building-limits, unless the person or persons desiring to establish, lay off, or conduct any of the enumerated establishments shall first file with the inspector of buildings the written consent of two-thirds of the owners and occupants of houses within said one hundred and fifty yards, and the said inspector shall, after due examination, approve of it. Any violation of this rule shall be punishable with a fine of not less than ten nor more than twenty dollars for every day the violation of this rule is continued.

65. And it shall not be lawful for any person or persons to establish or locate any coal-yard, lumber-yard, or wood-yard upon any new site or any site not used as such for a period of six months, within fifty feet of any dwelling house, unless the person or persons desiring to establish or locate any such establishment shall first file with the inspector of buildings the written consent of the owner or owners, occupant or occupants, of each and every house within fifty feet of the ground which is contemplated to be occupied. Violations of this rule shall be punishable with a fine of not less than five nor more than ten dollars for every day he, she, or they shall continue to violate the same.

CHAPTER XXI.—PRESERVATION OF ORDER AND PROPERTY.

1. It shall not be lawful for any person or persons to destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with, or otherwise place, filth or excrement of any kind upon any property, public or private, in the District of Columbia, or any public or private building, statue, monument, office, dwelling, or structure of any kind, or which may be in course of erection, or the doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, or halls, or the walls or sides of the walls of any inclosure thereof; or to write, mark, or paint obscene or indecent words or language thereon, or to draw, paint, mark, or write obscene or indecent figures representing obscene or indecent objects; or to write, mark, draw or paint any other word, sign, or figure thereon, without the consent of the owner or proprietor thereof, or, in case of public property, of the person having the charge, custody, or control thereof, under a penalty of not less than ten dollars for each and every such offense.

2. It shall not be lawful for any person or persons to destroy, break, cut, disfigure, deface, burn, or otherwise injure any building-materials, or materials intended for the improvement of any street, avenue, alley, foot-pavement, or inclosure, whether public or private property, or remove the same (except in pursuance of law or by consent of the owner) from the place where the same may be collected for purposes of building or improvement as aforesaid, or to remove, cut, destroy, or injure any scaffolding, ladder, or other thing used in or about such building or

improvement, under a penalty of not less than five dollars for each and every such offense.

3. It shall not be lawful for any person or persons to throw any stone or other missile in any street, avenue, alley, or open space, or public square, or inclosure in the cities of Washington or Georgetown; or to throw any stone or other missile from any other place into any street, avenue, alley, open space, public square, or inclosure in said cities, or either of them, under a penalty of not less than one dollar for every such offense; or to fire any gun, pistol, cannon, or other fire-arm in any street, avenue, alley, open space, public square, or inclosure, grave-yard, or burial place, or in any other part of the cities of Washington or Georgetown, within two hundred yards of any building, or in any part of said cities on Sunday, under a penalty of not less than five dollars for every such offense: *Provided*, That nothing herein contained shall be construed to affect any officer of this District for firing or shooting as aforesaid in the execution of his duty, or the militia or troops of the United States for discharging their fire-arms on days of mustering, training, or rejoicing, or in respect for deceased persons, when ordered so to shoot or fire by their commanding officer, or any person shooting as aforesaid in the performance of any philosophical experiment or theatrical amusement, for the exhibition of which a license shall have been previously obtained, or to prohibit the firing of any national salute when permission or order be given therefor by the District or United States authorities: *And provided*, That nothing in this or any other chapter contained shall be construed to prohibit any person from shooting at water-fowl in the Eastern Branch or Potomac River, although such person may be within the limits herein prescribed. And it shall not be lawful for any person or persons to set off any fire-crackers, squibs, or other artificial fireworks in any street or avenue within one hundred yards of any dwelling-house, under a penalty not exceeding five dollars nor less than one dollar for each and every such offense.

4. It shall not be lawful for any person or persons to set up or fly any kite, or to set up or fly any fire-balloon or parachute, in or upon or over any street, avenue, alley, open space, public inclosure or square within the limits of the cities of Washington or Georgetown, under a penalty of not less than two dollars for each and every such offense.

5. It shall not be lawful for any person or persons to congregate and assemble at the corners of any of the streets or avenues, or in any street, avenue, alley, or on the foot-pavements or flag-footways of any street or avenue, or at the entrance, or on the steps, cellar-doors, porches, or porticoes of any public or private building or office, or at the entrance, or in, on, or around any of the inclosures of the Capitol, Executive Mansion, public squares, city-hall, Judiciary Square, or at the entrance of any church, school-house, theater, or assembly-room, or in or around the same, or any other public or private inclosure within the cities of Washington or Georgetown, and be engaged in loud or boisterous talking, or to insult or make rude or obscene comments, remarks or observations on persons passing by the same, or in their hearing, or to so crowd, obstruct, or incommode the said foot-pavement or flag-footway, or the entrance into or out of any such church, public or private building, city-hall, Executive Mansion, Capitol, or such public inclosure, square, or alley, as to prevent the free and uninterrupted passage thereof, under a penalty of not less than five dollars for each and every such offense.

6. It is hereby made lawful for the chief of police, and the several police officers, and they are hereby required, whenever any minor or minors shall be found after ten o'clock at night congregated at such places where

there is cursing, swearing, loud, boisterous, profane, indecent or obscene language, or any other disorderly proceeding, such as is made unlawful by this chapter, and said minor or minors are not under the personal charge or attendance of their parent, guardian, or some other respectable or responsible person, or have not the permission of their parent or guardian in writing to be at such place or places, to arrest such minor or minors, and convey him, her, or them to the residence of his, her, or their parent or guardian, if the same be known; and in case the said minor or minors shall refuse to make known their residence, or give a false statement in relation thereto, to convey him, her, or them to the police station-house nearest to the place of such arrest, there to be kept and dealt with as other disorderly persons.

7. It shall not be lawful for any prostitute or lewd woman to invite, entice, persuade, or to address for the purpose of inviting, enticing, or persuading any person or persons in or upon any avenue, street, open space, alley, public square, or inclosure in this District, to accompany, go with, or follow her to her residence, or to any other house, building, inclosure, or other place for the purpose of prostitution, under a penalty, if the person so invited, enticed, or persuaded, or addressed for the purpose of inviting, enticing, or persuading, shall be an adult, of not less than five dollars for each and every such offense; and if the person invited, enticed, or persuaded, or addressed for the purpose of inviting, enticing, or persuading, be a minor, under a penalty of not less than ten dollars for each and every such offense.

8. And it shall not be lawful for any prostitute or woman of lewd character to invite, entice, or persuade, or address for the purpose of inviting, enticing, or persuading any person or persons from any door, window, porch, or portico of any house or building, to enter any house, or go with, accompany, or follow her to any place whatever for the purpose of prostitution, under the like penalties herein provided for the same disorderly conduct in the streets, avenues, or alleys.

9. It shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person or their persons in any street, avenue, or alley, open space, public square, or inclosure in this District, or to make any such obscene or indecent exposure of person in any dwelling or other building or other place wherefrom the same may be seen in any street, avenue, alley, open space, public square or inclosure, under a penalty of not less than five dollars for each and every such offense.

10. It shall not be lawful for any person or persons to entice, induce, urge, or cause any dogs to engage in a fight in any street, alley, open space, public square, or inclosure; or to urge, entice, or cause such dogs to continue or prolong such fight, under a penalty of not less than two dollars for each and every such offense; and any person or persons who shall induce or cause any animal of the dog kind to run after, bark at, frighten, or bite any horse or horses, cows, cattle of any kind, or other animals lawfully passing along or standing in or on any street, avenue, or alley, shall forfeit and pay for every such offense a sum not exceeding five dollars.

11. It shall not be lawful for any person or persons to molest or disturb any congregation engaged in any religious exercises or proceedings in any church or place of worship; and it shall be lawful for any of the authorities of said churches to arrest or cause to be arrested any person or persons so offending, and take him, her, or them before the police court for trial; and any person or persons violating the provisions of

this section shall forfeit and pay a fine of not less than five dollars for every such offense.

12. It shall not be lawful for any person or persons to ride or drive any horse, mare, or gelding, in or on any street, avenue, or alley of this District, at a pace faster than a moderate trot or gallop, or to make any attempt or trial of speed between two or more horses, mares, or geldings, or other animals of the horse kind, in or on any such street, avenue, or alley, under a penalty of not less than twenty dollars for each and every such offense. And if any person shall sustain an injury in consequence of fast riding or driving in the streets of this District, the person or persons so producing injury shall be liable to imprisonment in the workhouse for a period of not less than thirty nor more than ninety days in addition to the fines imposed under the provisions of this section.

13. It shall not be lawful for any person or persons to girdle, break, wound, destroy, or in any manner injure any of the trees now planted and set, or which may hereafter be planted and set, on any of the public grounds, open spaces, or squares, or on any private lot, or on any of the streets or avenues in this District, or any of the boxes, stakes, or any other protection thereof, under a penalty of not exceeding twenty nor less than five dollars for each and every such offense; and if any person or persons shall tie or in any manner fasten a horse or horses to any of the trees, boxes, or other protection thereof, on any streets or avenues in this District, each and every such offender shall forfeit and pay for each offense the sum of five dollars.

14. It shall not be lawful for any person or persons within the limits of this District to kindle or set on fire, or to be present aiding, consenting, or causing it to be done, in any street, avenue, alley, open ground, or lot, any box, barrel, straw, shavings, or other combustible, between the setting and rising of the sun; and any person offending against the provisions of this section shall, on conviction thereof, forfeit and pay a sum not exceeding five dollars for each and every offense.

15. The provisions of the several laws and regulations of this District for the protection of public or private property and the preservation of peace and order are hereby extended to all public buildings and public grounds belonging to the United States within this District. And any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings, trees, or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States on any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall, upon conviction thereof, be fined not less than five nor more than twenty dollars.

16. If any person shall tie or in any manner fasten any horse, mule, on other animal to any of the trees, boxes, or other protection thereof, on any of the public grounds belonging to the United States in this District, or shall drive or lead any horse, mule, or other animal, or any cart, wagon, or other carriage whatever, on any of the paved or graveled footways now made or which may hereafter be made in and on any of the aforesaid public grounds, or shall ride thereon, except at the intersection of streets and avenues, each and every such offender shall forfeit and pay for each offense a sum not less than one nor more than five dollars, to be recovered and applied as hereinafter provided.

17. It shall not be lawful for any person or persons to cruelly beat or wantonly abuse any animal of the horse kind, or to cut, wound, stab, or

otherwise injure any horse or animal of the horse kind, under a penalty of not less than twelve dollars for each and every such offense.

18. It shall not be lawful for any person or persons to play the game of foot-ball, or any other game with a ball, in any of the streets, avenues, or alleys in the cities of Washington or Georgetown; nor shall it be lawful for any person or persons to play the game of bandy, shindy, or any other game by which a ball, stone, or other substance is struck or propelled by any stick, cane, or other substance, in any street, avenue, or alley in the said cities, under a penalty of not less than one dollar for each and every such offense.

19. It shall not be lawful for any person or persons who are not the owners or occupants of the lots lying in the same street or avenue, and fronting on the parks now made, or which shall hereafter be made on the side or sides of any street or avenue in the cities of Washington and Georgetown, to enter, walk, or trespass on such parks, or to cut or injure in any way the grass, flowers, trees or shrubbery growing thereon, or to deface, climb upon, or injure the railings, posts or chains inclosing the same, but such parks shall be under the immediate care and keeping of the owners or occupants of the lots fronting thereon, and on the same side of the streets or avenues, who may enter, care for, and use them for such purpose, and in such ways as will not injure the grass, trees, shrubbery, fences, posts, chains and railings upon and inclosing the same, subject to such general control and regulations as the board of public works may from time to time prescribe.

20. It shall not be lawful for any person or persons to cut or injure the trees or shrubbery in any of the parks now made or which shall hereafter be made in the center of any of the streets or avenues in the cities of Washington and Georgetown, or to climb upon, deface, or injure the posts, chains or railings inclosing the same.

Any person offending against the provisions of the two preceding sections shall be punished by a fine of not less than five dollars nor more than fifty dollars for each and every offense, to be recovered in the police court in the name of the District of Columbia.

21. It shall not be lawful for any person or persons to warehouse or hold in any building or shed within the District of Columbia more than five hundred gallons, at any one time, of petroleum, coal-oils, and burning-fluids, under a penalty of a fine not exceeding five hundred dollars, or by imprisonment for the term of six months in the jail of the District.

22. Whenever two or more carriages, carts, or wagons are in motion on any street, avenue, or alley within the District of Columbia, and following each other, the drivers thereof shall maintain a distance of not less than ten feet between each and every cart or wagon, and shall keep on the right-hand side of the street, and keep at the head of their teams, under a penalty of five dollars for each and every violation of the provisions of this section.

23. Whenever any driver of any cart or wagon shall drop from his load any part thereof, he shall replace, or cause the same to be replaced, under a penalty of five dollars for every failure so to do.

24. Any person or persons convicted of any offense under any of the provisions of this chapter who shall fail to pay, or secure to be paid, the fine, penalty, or forfeiture recovered against him, her, or them immediately upon the rendition of the judgment therefor, shall be committed to the work-house for a period (where none is fixed by the section im-

posing such penalty) not exceeding sixty days for any one offense, or until such fine, penalty, or forfeiture be paid or secured to be paid.

25. It shall be unlawful for any person or persons to open, or allow to be opened, within the limits of this city, any barber-shop or place where such business is done on Sunday; and any person or persons who shall offend or violate against this section shall, upon conviction, pay a fine of twenty dollars, the informer to receive one-half of the said fine.

PUBLIC BUILDINGS, GROUNDS, SQUARES, AND RESERVATIONS.

26. The several laws and regulations of this District for the protection of public or private property, and the preservation of peace and order, shall extend to all public buildings and public grounds belonging to the United States within the city of Washington; and any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings, trees, or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States on any other part of the public grounds or lots belonging to the United States in the city of Washington, shall, upon conviction thereof, be fined a sum not less than five nor more than twenty dollars.

27. If any person shall tie or in any manner fasten any horse, mule, or other animal to any of the trees, boxes, or other protection thereof, on any of the public grounds belonging to the United States in the city of Washington, or shall drive or lead any horse, mule, or other animal, or any cart, wagon, or other carriage whatever, on any of the paved or graveled footways in any of the public grounds, or shall ride thereon, except at the intersection of streets and avenues, each and every such offender shall forfeit and pay for each offense a sum not less than one nor more than five dollars; to be recovered and applied as other fines are.

28. Any person who shall willfully pluck, injure, or destroy any plant or flower in any of the public grounds belonging to the United States within the city of Washington, shall, upon conviction thereof, be fined a sum not less than two nor more than ten dollars, in the same manner as for offenses under the preceding sections.

29. No open space, public reservation, street, or any public grounds in the cities of Washington or Georgetown, shall be occupied by any private person, or for any private purpose whatever, under a penalty of not more than fifty dollars nor less than twenty-five dollars per day for every day or part of a day any such place shall be so occupied; to be collected as other fines, penalties, and forfeitures are collected.

30. It shall not be lawful for any person to tie a horse or horses to any fence around any of the public reservations in the city of Washington, or within ten feet of the same; and any person who shall violate the provisions of this section shall forfeit and pay a fine of not less than ten nor more than twenty dollars for each and every offense; to be imposed and collected as other fines are.

CHAPTER XXII.—PREVENTION OF DESTRUCTION OF BAGGAGE.

1. Any baggage-master, express-agent, stage-driver, hackman, or other person whose duty it shall be to handle, remove, or take care of

baggage, with a view to, or in course of its receipt, transportation, or delivery, who shall willfully or recklessly injure or destroy any trunk, valise, box, package, or parcel while handling, loading, transporting, unloading, delivering, or storing the same, shall be punished by a fine or penalty not exceeding fifty dollars, to be recovered as other penalties or by action of debt in the name of the District, in the usual way; one-half for the benefit of the informer.

2. Nothing in the preceding section shall affect the civil liability of the party so offending or his principal, for damages, but in all civil actions therefor, as well as in all proceedings to impose or recover the fine or penalty by the preceding section provided for, proof of injury shall be prima-facie evidence of the recklessness or willfulness therein provided for.

CHAPTER XXIII.—FINES, FORFEITURES, AND PENALTIES.

1. All warrants issued for offenses against the municipal regulations of the District shall issue out of the police court, or be issued by some justice of the peace, who shall keep a docket stating the name of the person against whom issued, the date, to whom directed, for what offense, and on what information.

2. All fines and forfeitures imposed for offenses against the acts of the District shall be applied and distributed in manner following, viz, one-third to the informer, and the remaining two-thirds to the use of the District: *Provided*, That in cases wherein the District may extend relief to the individual prosecuted, it shall have power to remit the whole fine or order any distribution thereof; and in all cases where no informer appears before the police court rendering a judgment in favor of this District, excepting the officer prosecuting, the whole of the fines and penalties shall be applied to the use of this District.

3. All fines and penalties imposed by law for any violation of the laws of this District, or which may hereafter be imposed by any law, shall be recovered with costs against the person or persons incurring such fine or penalty; and all judgments for violation of the laws of this District shall be rendered with costs.

4. In all cases whenever a person or persons shall be duly convicted of any violation of any law or municipal regulation of this District, and shall fail immediately to pay or secure the payment of such fine, penalty, or forfeiture imposed by law for such offense, such person or persons shall (unless otherwise specially provided by the law fixing such penalty, fine, and forfeiture) be committed to the work-house till such fine or penalty and costs thereon be paid; but in no case shall such imprisonment be for a period less than five nor more than ninety days for any one offense.

PART II.

OF THE ACQUISITION, THE ENJOYMENT, AND THE TRANSMISSION OF PROPERTY, REAL AND PERSONAL; THE DOMESTIC RELATIONS AND OTHER MATTERS CONNECTED WITH PRIVATE RIGHTS.

TITLE I.—OF REAL PROPERTY AND THE ALIENATION THEREOF.

CHAPTER I.—GENERAL PROVISIONS CONCERNING REAL ESTATE.

All leases, estates, interests of freehold, or term of years, or any uncertain interest of, in, or out of any messuages, lands, tenements, or hereditaments created by parol, and not put in writing, and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, or unless the same be created by operation of law, shall have the force and effect of leases or estates at will only, and shall not either in law or equity be deemed or taken to have any other or greater force or effect.

A husband or married woman may relinquish their respective rights in real estate, either by a separate conveyance, or by joining with the other in a deed of conveyance, and acknowledging the same in the manner herein prescribed.

Any foreigner may, by deed or will, take and hold lands within this District, in the same manner as if he was a citizen of the United States, and the same lands may be conveyed by him and transmitted to and be inherited by his heirs or relations as if he and they were citizens; provided that no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

A person owning real estate, and having a right of entry into it, whether seized of it or not, though not in actual possession, may convey it or all his interest in it.

Any estate may be made to commence in futuro, by deed, in like manner as by will. And any estate which would be good as an executory devise or bequest shall be good if created by deed.

Any person entitled to any real estate as tenant in tail in possession, reversion, or remainder, may grant, sell, and convey the same, in the same manner and by the same form of conveyance as if he were seized of an estate in fee-simple, and such conveyance shall bar the estate tail, and all remainders and reversions, expectant thereon. This section shall apply to both legal and equitable estates. The person to whom such equitable fee-simple is conveyed pursuant to this section, may call for the conveyance of the outstanding legal estate from the persons in whom the same is at any time thereafter vested in trust; and the conveyance thereof may be compelled in equity.

A conveyance of a greater estate than he can lawfully convey, made

by a tenant for life or years, will pass what estate he has, and will not work a forfeiture, and no expectant estate shall be defeated by any act of the owner of the precedent estate, or by any destruction of it, except as provided in the preceding section.

All conveyances and devises of land made to two or more persons, except as provided in the following section, shall be construed to create estates in common and not in joint tenancy; unless it is expressed therein that the grantees or devisees shall take the lands jointly, or as joint tenants, or in joint tenancy, or to them and the survivor of them.

The preceding section shall not apply to mortgages, nor devises or conveyances made in trust, nor to a devise or conveyance in which it manifestly appears from the tenor of the instrument that it was intended to create an estate in joint tenancy.

When lands are given by deed or will to any person for his life, and after his death to his heirs in fee, or by words to that effect, the conveyance shall be construed to vest an estate for life only in such first taker and a remainder in fee-simple in his heirs.

Every contingent limitation in any deed or will made to depend upon the dying of any person without heir or heirs of the body, or without issue of the body, or without children, or offspring, or descendants, or other relative, shall be a limitation to take effect when such person dies without heir, issue, child, offspring, or descendant, or other relative, as the case may be, living at the time of his death, or born to him within the period of gestation thereafter; unless the intention of such limitation be otherwise expressly and plainly declared on the face of the deed or will creating it.

A contingent remainder shall in no case fail for want of a particular estate to support it.

The alienation of a particular estate on which a remainder depends, or the union of such estate with the inheritance by purchase or descent, shall not operate by merger or otherwise to defeat, impair, or otherwise affect such remainder.

No words of inheritance shall be necessary to create an estate in fee-simple, but every conveyance of real estate shall be construed to pass a fee-simple estate, unless a contrary intention shall appear by express terms or be necessarily implied therein.

In all conveyances of real estate by deed or mortgage, upon which any incumbrance exists, the grantor, whether he executes the same in his own right or as executor, administrator, assignee, trustee, or otherwise by order of law, shall, before the consideration is paid, by exception or otherwise, make known to the grantee the existence and nature of such prior incumbrance, so far as he has knowledge thereof.

If any person shall sell and convey to another, by deed or conveyance, purporting to convey an estate in fee-simple absolute, in any tract of land or real estate lying in this District, not then being possessed of the legal estate or interest therein at the time of the sale and conveyance, but after such sale and conveyance the vendor shall become possessed of and confirmed in the legal estate to the land or real estate so sold and conveyed, it shall be taken and held to be in trust, and for the use of the grantee or vendee; and the conveyance aforesaid shall be held and taken, and shall be as valid as if the grantor or vendor had the legal estate or interest at the time of said sale or conveyance.

Where any person or persons stand or be seized, or at any time hereafter shall stand or be seized of or possessed and in any messuages, lands, tenements, rents, services, reversions, remainders, or other hereditaments, to the use, confidence, or trust of

any other person or persons, or for any body politic, by reason of any bargain, sale, feoffment, fine, recovery, covenant, contract, agreement, will, or otherwise, by any manner of means whatsoever, in every such case all and every such person or persons, and bodies politic, that have, or hereafter shall have, any such use, confidence, or trust in fee simple for term of life or for years or otherwise, or any use, confidence, or trust in remainder or reversion, shall from thenceforth stand and be seized, deemed and adjudged, in lawful seizin, estate, and possession of, and in the same messsuages, lands, tenements, rents, services, reversions, remainders, and hereditaments, with their appurtenances, to all intents, constructions, and purposes in law, of and in such like estates as they had or shall have in use, confidence, or trust of or in the same; and that the estate, right, title, and possession that was or shall be in such person or persons, that were, or hereafter shall be seized of any lands, tenements, or hereditaments, to the use, confidence, or trust of any such person or persons or of any body politic, be from henceforth clearly deemed and adjudged to be in him, her, or them, that have, or hereafter shall have, such use, confidence, or trust, after such quality, manner, form, and condition as they had before in or to the use, confidence, or trust that was or shall be in them.

CHAPTER II.—OF ESTATES OF WIDOWERS AND WIDOWS.

1. Every devise of land or any estate therein, or bequest of personal estate, to the husband or wife of the testator, shall be construed to be intended in bar of his or her legal right as widower or widow, in lands or share of the personal estate, respectively, unless it be otherwise expressed in the will.

2. If any widower or widow, by jointure or other settlement, made before or after marriage with their consent, shall have any estate settled on them by the other, each jointure or settlement shall bar said right to either's real or personal property; yet it shall be lawful for either to accept what shall be devised to him or her by the other.

3. If of full age such consent shall be manifested by becoming a party to the conveyence; if under age, by joining with the father or guardian.

4. A widower or widow shall be barred of said right in land or share in the personal estate of either, by any such devise or bequest, jointure, or other settlement, made without the consent of both, unless six months after the first grant of administration upon said estate he or she deliver or transmit to the court or register of wills a written renunciation in the following form, or to the following effect: I, A. B., widower or widow of ——— ———, late of ———, deceased, do hereby renounce and quit all claim to any bequest or devise, or to any jointure or settlement without my consent made by my said husband or wife to me or for my benefit; and I elect to take in lieu thereof my right or legal share of the estate of my said husband or wife. But by renouncing all claim to any devise or bequest, jointure, or settlement as aforesaid, said widower or widow shall be entitled to such part of the personal estate, and no more, which shall remain after payment of just debts and claims as is provided for in chapter ——.

5. If the will of either devise a part of both real and personal estate, he or she shall renounce the whole, or be otherwise barred of his or her right to both real and personal estate.

6. If the will devise only a part of the real estate, or only a part of the personal estate, the devise shall bar only the real or personal estate, as the case may require: *Provided, nevertheless*, That if the devise of either real or personal estate, or of both, shall be expressly in lieu of said legal share of one or both, he or she shall accordingly be barred unless either renounce as aforesaid.

7. But if in effect nothing shall pass by such devise he or she shall not be thereby barred, whether he or she shall or shall not renounce as aforesaid, it being the intent of this chapter, and consonant to justice, that a widow or widower accepting or abiding by a devise, in lieu of said legal right, shall be considered as a purchaser with a fair consideration.

8. If either commit waste in the lands of the deceased, he or she shall be liable to an action by the heir or devisee or his guardian.

9. In all cases where administration shall be granted, and an inventory and appraisement of the personal estate of the decedent shall have been returned by the administrator to the court, the widower or widow of such deceased person shall have the right to take and apply to their own use and the use of their children, such household and kitchen furniture or other personal property as they may choose: *Provided*, The same shall not exceed in value, according to the inventory and appraisement, the sum of three hundred dollars: *And provided further*, That the amount of personal property so selected to be taken shall be deducted from either's distributive share of said personal estate.

10. The administrator of the decedent shall make return in writing of the articles and the amount so taken by the widow or widower, together with his or her receipt for the same, to the court granting administration, upon which return so being made, the court shall allow him a credit for the same upon his administration account.

11. Every widower and widow shall be entitled to their respective legal right and share in the real property of either, whether held by legal or equitable title, unless lawfully barred; said right and share to be assigned after their decease.

12. When a division of metes and bounds cannot be conveniently made, said share shall be assigned in a special manner as of a third part of the rents and profits.

13. The widower or widow shall be entitled to receive one undivided net third part of the rents and profits of the estate of either until his or her share is assigned either by the heirs, devisees, or their assigns, or by the judgment or decree of court.

14. A widower or widow may remain in their dwelling-house six months after the death of either, and until their legal right is assigned, without being chargeable for rent thereof to the heir or devisee, or their assigns, and if deprived thereof may, on complaint of unlawful entry or detainer, recover the possession with damages for the time he or she was so deprived; and in the mean time they shall have their reasonable sustenance out of the estate.

15. When a widower or widow recovers their legal share or estate in the real property of either, from the heir or devisee, or the assigns of either, such recovery shall be of a third of said real property for life as it is at the time of the recovery, including improvements made by such heir, devisee, or assigns, and the increased value of such property from other causes.

16. When a widower or widow recovers their legal share in the aforesaid estate of either against one claiming under an alienation of either made in his or her life-time, each recovery shall be of a third of the

estate for life as it is at the time of the recovery, exclusive only of the permanent improvements made by the alienee.

17. When, in an action brought for that purpose, a widower or widow shall recover said share, they shall be entitled also to recover damages for the withholding of the same, or they may also maintain a separate action for the recovery of such damages.

18. Such damages shall be one-third part of the annual value of the mean profits of the land, not estimating for the value of any permanent improvements made by the heir or devisee, or the assigns of either, after the death of the widower or widow, nor for any such made by such alienee of either after the alienation.

19. Against the widower's or widow's heir or devisee, or the assigns of either, the damages shall be for such time after either's death as they have withheld said estate, not exceeding in all five years, before the suit is commenced, and estimating the damages to the time of the recovery.

20. Against one claiming under an alienation by the widower or widow, in their life-time, the damages shall be from the commencement of the suit against such claimant to the time of the recovery.

21. If after such suit brought for damages the widower or widow or tenant die before recovery be had, the same may be recovered by his or her executor or administrator, or against the tenant. Said personal representative may commence an action or prosecute one commenced by such widower or widow, and recover the damages to which he or she would be entitled, if any.

22. A widower or widow shall demand said estate within twenty years after the death of either, but if, at the time of their death, either be under the age of twenty-one years, or insane, or imprisoned on a criminal charge or conviction, the time during which such disability continues shall not form any part of the said term of twenty years.

23. When the estate out of which said right is to be assigned consists of a mill or other tenement which cannot be divided without damage to the whole, and in cases where the estate cannot be divided by metes and bounds, said right may be assigned of the rents, issues, or profits thereof, to be had and received by the widower or widow, as tenant in common with the other owners of the estate; or the court may order a sale of the premises, free from such right, and order the investment of one-third of the net proceeds thereof, at interest, for the benefit of either during life, the same to go, upon their death, to those entitled to the premises sold.

24. Where there are several tracts of land the entire right of the widower or widow may be assigned out of one or more of such tracts.

25. If a husband or wife be lawfully evicted of lands assigned for their legal share in the estate of either, or settled upon them as jointure, or is so deprived of the provision made for them by will, or otherwise, in lieu of such share, they may be provided for anew, in like manner as if such assignment, jointure, or other provision had not been made.

26. If lands subject to said legal right be exchanged for other lands, the widower or widow shall not be entitled to said right in both, but shall make their election to be endowed of the lands given or those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover said right in the lands given in exchange, within six months after the death of either, and such exchange becomes known to them, they shall be deemed to have elected to take their share of the lands received in exchange.

27. In case of a divorce from the bond of matrimony, for the misconduct of the husband, the wife shall be entitled to said legal share in her husband's estate, as if he were dead; and in case of such divorce for

misconduct of the wife, the husband shall be entitled to said legal share in his wife's estate, in like manner as if she were dead.

28. In case of a divorce from the bond of matrimony, for the misconduct of the husband, he shall be debarred of said legal right in his wife's estate; and in case of said divorce for the misconduct of the wife, she shall be debarred of said legal right in her husband's estate.

29. If a wife willingly leave her husband and live in adultery, she shall be barred of her said legal right, unless, subsequent to such conduct, her husband shall become reconciled to her, and suffer her to dwell with him again.

30. If a husband shall abandon his wife without just cause, and live apart from her, he shall be barred of his said legal right in her estate; but if his wife become reconciled to him, and voluntarily live with him again, he shall be restored to such right.

31. When a widower or widow is entitled to their legal estate in either's property, and such right or estate is not disputed by the heirs or devisees, or any person claiming under them, or either of them, it may be assigned to them by the court, upon application of the widower or widow, or any other person interested in the lands; notice of which application shall be given to such heirs, devisees, or other persons, in such manner as the court shall direct.

32. For the purpose of assigning such estate the court shall issue the order to three discreet and disinterested persons, authorizing and requiring them to set off the same by metes and bounds, when it can be done without injury to the whole estate.

33. The said commissioners shall be sworn faithfully to discharge their duties, and shall, as soon as may be, set off said estate according to the command of such order, and make return of their proceedings, with an account of their charges and expenses, in writing, to the court; and the same being accepted and recorded, and an attested copy thereof filed in the office of the recorder of deeds, said estate shall remain fixed and certain, unless such confirmation be set aside or reversed.

34. When any widower or widow is entitled to their said estate, and it is not set out by the heir or other tenant of the freehold to their satisfaction, nor assigned by the court according to the foregoing provisions of this chapter, they may recover the same by an action in the manner hereinafter provided.

35. The action shall be brought against the person who is, at the time when it is commenced, seized of the freehold, or is tenant in possession.

36. If the demandant receives judgment, the court shall appoint three discreet and disinterested persons to act as commissioners, whose duty it shall be to set off the estate recovered by metes and bounds, when it can be done without injury to the whole.

37. The commissioners shall be sworn faithfully to discharge their duties, and shall, as soon as may be, set off said estate according to the order of the court, and make return of their proceedings, with an account of their charges and expenses, in writing, to the court; and the same being accepted and recorded, and an attested copy thereof filed in the office of the recorder of deeds, said estate shall remain fixed and certain.

38. The demandant recovering judgment shall be entitled to a writ of possession, which shall be substantially in the form provided for in the twenty-eighth section of the chapter on ejectment, Part III of these revised laws.

CHAPTER III.—FORMS OF DEEDS AND COVENANTS.

Deeds of lands, or of any estate or interest therein, may be made by any person having authority to convey the same, or by his agent or attorney.

A scroll shall be deemed a sufficient seal.

Every grant of land shall pass all the grantor's interest or estate in it, unless the intent to pass a less estate or interest is expressed or necessarily implied.

A deed or conveyance of lands may be made in the following form, or to the same effect: "This deed, made the —— day of ———, in the year ——, between ——— (the grantor) of the first part, and ——— (the grantee) of the second part, witnesseth: That in consideration of (here state the consideration) the said ——— conveys and warrants unto the said——— the following property: (here describe it.) Witness the following signature and seal." And the said conveyance being duly signed, sealed, and acknowledged by the grantor, and being duly delivered, shall be deemed and held to be a conveyance in fee-simple to the grantee, his heirs and assigns, with covenant from the grantor for himself and his heirs and personal representatives, that he is lawfully seized of the premises, has good right to convey same, and guarantees the quiet possession thereof; that the same are free from all incumbrances, and that he will warrant and defend the title to the same against all lawful claims.

And if in the above form the words "and warrants" be omitted, the deed shall be good, but without warranty.

A mortgage of land may be made in the following form, or to the same effect: "This deed of mortgage, made the —— day of ———, in the year ——, between ——— (mortgagor) of the first part, and ——— (mortgagee) of the second part, witnesseth: That the said ——— mortgages and warrants ——— unto the said ———, all, and so forth, (here describe the premises,) to secure the repayment of (here write the sum for which the mortgage is granted, or the notes or other evidence of debt, or a description thereof, sought to be secured, also the date of the repayment.) Witness the following signatures and seals." And the said mortgage, being duly signed, sealed, ackowledged, and delivered by the grantor, shall be deemed and held to be a good and sufficient mortgage to the grantee, his heirs, assigns, executors, and administrators, with warranty from the grantor and his legal representatives of perfect title in the grantor, and against all previous incumbrances.

And if in the above form the words "and warrants" be omitted, the mortgage shall be good, but without warranty.

A deed of trust to secure debts or to indemnify sureties, or to declare any use, may be in the following form, or to the same effect: "This deed of trust, made the —— day of ———, in the year ——, between ——— (the grantor) of the first part, and ——— (the trustee) of the second part, witnesseth: That the said ——— conveys and warrants unto the said ——— the following-described property, (here describe it,) in trust to secure (here describe the debt to be secured or the sureties to be indemnified, and other provisions the parties may agree upon.) Witness the following signatures and seals." And said deed of trust being duly signed, sealed, and acknowledged by the grantor, and being duly delivered, shall be deemed and held to be a good and sufficient deed for the purposes and trusts therein indicated to the grantee, his heirs and assigns, with warranty from the grantor for himself and his heirs and legal representatives, of perfect title in grantor, and against

all previous encumbrances. And if, in the above form the words "and warrants" be omitted, the deed shall be good, but without warranty.

When a deed, mortgage, or deed of trust, made according to the form hereinbefore provided for, or to the same effect, uses the words "the said covenant or covenants," such covenant shall have the same effect as if it were expressed to be by the covenantor for himself, his heirs, personal representatives, and assigns, and shall be deemed to be with the covenantee, his heirs, personal representatives, and assigns.

If, in such deed, mortgage, or deed of trust, the words "and warrant" be omitted, and there be contained in said deed, mortgage, or deed of trust, a covenant by any grantor therein, "that he will warrant generally the property hereby conveyed," the said covenant shall have the same force and effect as the use by such grantor of the words "and warrants," as hereinbefore provided, and shall imply all the covenants provided for in the third section of this act. A covenant by any such grantor "that the grantee shall have quiet possession of the said land" shall have the same effect as if he covenanted that the grantee, his heirs, and assigns might at any and all times thereafter peaceably enter upon, and have, hold, and enjoy the land conveyed by the deed, or intended so to be, with all the buildings thereon, and the privileges and appurtenances thereto belonging, and receive and take the rents and profits thereof, to and for his and their use and benefit, without any eviction, interruption, suit, claim, or demand whatever. If to such covenant there be added "free from all incumbrance," these words shall have as much effect as the words "and that freely and absolutely acquitted, exonerated, and forever discharged, or otherwise, by the said grantor, or his heirs, saved harmless and indemnified of, from, and against any and every charge and incumbrance whatever." A covenant by any such grantor, "that he will execute such further assurances of the said land as may be requisite," shall have the same effect as if he covenanted that he, the grantor, his heirs, or personal representatives, will at any time, upon any reasonable request, at the charge of the grantee, his heirs or assigns, do, execute, or cause to be done or executed, all such further acts, deeds, and things for the better, more perfectly, and absolutely conveying the said lands and premises hereby conveyed, or intended so to be conveyed, unto the grantee, his heirs and assigns, in manner aforesaid, as by the grantee, his heirs, or assigns, his or their counsel learned in the law, shall be reasonably devised, advised, or required. A covenant by any such grantor "that he has done no act to incumber said land," shall have the same effect as if he covenanted that he had done nothing nor executed or knowingly suffered any act, deed, or thing whereby the lands and premises conveyed, or intended so to be, or any part thereof, are, or will be charged, affected, or incumbered in title, estate, or otherwise. And if in such deed, mortgage, or deed of trust the words "and warrant" be omitted, and there be inserted a covenant by any grantor therein "that he will warrant specially the property hereby conveyed," it shall have the same effect as if the grantor had covenanted that he, his heirs, and personal representatives, will forever warrant and defend the said property unto the grantee, his heirs, personal representatives, and assigns, against the claims and demands of the grantor, and all persons claiming or to claim by, through, or under him, and the words "with general warranty" in the granting part of any such deed, mortgage, or deed of trust, shall be deemed a covenant by the grantor "that he will warrant generally the property hereby conveyed." The words "with special warranty," in the granting part of such deed, mortgage, or deed of trust, shall be deemed to be a covenant by the grantor "that

he will warrant specially the property hereby conveyed." A covenant by a grantor in any such deed, mortgage, or deed of trust, "that he has the right to convey the said land to the grantee," shall have the same effect as if the grantor had covenanted that he had good right, full power, and absolute authority to convey the said land, with all the buildings thereon, and the privileges and appurtenances thereto belonging, unto the grantee in the manner in which the same is conveyed, or intended so to be, by the deed, and according to its true intent.

Every deed conveying lands shall, unless an exception be made therein, be construed to include all buildings, privileges, and appurtenances of every kind belonging to the lands therein embraced.

Any deed or part of a deed, which shall fail to take effect by virtue of this chapter, shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this chapter had not been enacted.

A deed of lease may be made in the following form, or to the same effect: "This deed, made the —— day of ———, in the year ——, between (here insert the names of parties,) witnesseth: that the said ——— does (or do) demise unto the said ———, his personal representative and assigns, all, &c., (here describe the property,) from the —— day of ——, for the term of ———, thence ensuing, yielding therefor during the said term the rent of (here state the rent and mode of payment.) Witness the following signature and seal, (or signatures and seals.)"

In a deed of lease, a covenant by the lessee "to pay the rent," shall have the effect of a covenant that the rent reserved by the deed shall be paid to the lessor, or those entitled under him, in the manner therein mentioned; and a covenant by him "to pay the taxes," shall have the effect of a covenant that all taxes, levies, and assessments upon the demised premises, or upon the lessor on account thereof, shall be paid by the lessee or those claiming under him.

In a deed of lease a covenant or agreement by the lessee that "he will not assign without leave," shall have the same effect as a covenant that the lessee will not, during the term, assign, transfer, sublet, or let over the premises, or any part thereof, to any person, without the consent in writing of the lessor, his representative or assigns. And a covenant by him that "he will leave the premises in good repair," shall have the same effect as a covenant that the demised premises will, at the expiration or other sooner determination of the term, be peaceably surrendered and yielded up unto the lessor, his representatives or assigns, in good and substantial repair and condition, reasonable wear and tear excepted.

No covenant or promise by a lessee that he will leave the premises in good repair shall have the effect, if the buildings are destroyed by fire or otherwise, without fault or negligence on his part, of binding him to erect such buildings again, unless there be other words showing it to be the intent of the parties that he should be so bound.

A covenant or agreement by a lessor "for the lessee's quiet enjoyment of his term," shall have the same effect as a covenant that the lessee, his personal representative and lawful assigns, paying the rent reserved, and performing his or their covenants, shall peaceably possess and enjoy the demised premises for the term granted, without any interruption or disturbance from any person whatever.

And if in a deed of lease it be provided that "the lessor may re-enter for default of —— days in the payment of rent, or for the breach of covenants," it shall have the effect of an agreement that if the rent reserved, or any part thereof, be unpaid for such number of days

after the day on which it ought to have been paid, or if any of the other covenants on the part of the lessee, his personal representative, or assigns be broken, then, in either of such cases, the lessor, or those entitled in his place at any time afterward, into and upon the demised premises, or any part thereof, in the name of the whole, may re-enter, and the same again have, repossess, and enjoy, as of his or their former estate.

CHAPTER IV.—MORTGAGES AND DEEDS OF TRUST.

When a deed purports to contain an absolute conveyance of any estate in lands, but is made or intended to be made defeasible by a deed of defeasance, bond, or other instrument, for that purpose, the original conveyance shall not be thereby defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance is duly recorded.

Whenever lands are sold and conveyed, and a mortgage, or deed of trust is given by the purchaser at the same time to secure the payment of the purchase money, such mortgage or deed of trust shall be preferred to any previous judgment, or lien, which may have been obtained against such purchaser.

When in any deed of conveyance of property, duly acknowledged and recorded, and a definite amount of the purchase money shall be expressly stated to be still due and owing to the grantor, for the payment of which he claims a lien on the property conveyed, the same shall operate as a mortgage duly acknowledged and recorded.

The mortgagor in any deed of mortgage, and the grantor in any deed of trust, in addition to the usual covenants, may covenant for the payment of all taxes, assessments, public dues, or charges, levied, or to be levied by law, on the debt created or secured by such mortgage or deed of trust.

In all mortgages and deeds of trusts, there may be inserted a clause authorizing the mortgagee, or grantee, or any other person to be named therein, to sell the premises, whether lands, or goods, and chattels, upon such terms and on such contingencies as may be expressed therein.

Before any person so authorized in any mortgage or deed of trust shall make any sale, he shall give bond to the United States in such penalty and with such security as shall be approved by any justice or the clerk of the supreme court of the District, to abide by and fulfill any order or decree which shall be made by said court in relation to the sale of such property, or the proceeds thereof, and such bond shall be and remain as an indemnity to and for the security of all persons interested in such property or the proceeds thereof, and be subject to be sued as other bonds taken in the name of the United States, and subject to the same limitations and disabilities as such other bonds.

In all sales made in pursuance of such authority, there shall be given such notice as may be stated in such mortgage or deed of trust, or if there be no agreement as to notice, then the party offering the same for sale shall give twelve days' notice of the time, place, and terms thereof, by advertisement in some newpaper printed and published in the District, to be inserted in at least five different issues of said paper, the last of said advertisements to be upon the day of sale.

All advertisements for the sale of mortgaged or granted premises shall contain a statement of the amount of the debt due, for the payment of

which the sale is to be made, the name of the mortgagor or grantor and mortgagee or grantee, and the date of the record of the same.

All such sales shall be reported, under oath, to the supreme court of the District, holding special terms for the trial of equity causes, within seven days from the making thereof, unless, for cause shown, a further time be allowed, and there shall be the same proceedings on such report as if the same were made by a trustee under a decree of said court, and the court shall have full power to hear and determine any objections which may be filed against such sale by any person interested in the property, and may confirm or set aside said sale. But all objections to any such sale shall be filed within thirty days after the said sale shall have been reported as aforesaid. And in the event that no objections shall be filed within the said thirty days, the sale shall be deemed, without further order, as confirmed, and may be so entered by the clerk.

If such sale be set aside by the court, a resale may be ordered to be made by the party who made the previous sale, or the court may, if justice requires it, appoint a trustee to sell the same.

All such sales, when confirmed by the court, and the purchase-money is paid, shall pass all the title which the mortgagor or grantor had in such mortgaged or granted premises at the time of the delivery of the same.

Upon a sale of such premises so mortgaged or conveyed in trust, any person claiming an interest in the equity of redemption, or having a lien of any character, may by petition apply to the court confirming the sale to have the surplus of the proceeds of sale, after payment of the debt secured by the mortgage or deed of trust and expenses, paid over to such person, or so much thereof as will satisfy his claim, and the court shall distribute such surplus equitably among the claimants thereto.

After said sale has been confirmed and the purchase-money paid, the person making such sale may convey to the purchaser, or if the mortgagee or creditor in the deed of trust and purchaser be the same person, the confirmation of the sale and payment of the purchase-money shall vest the title in the purchaser.

No title to mortgaged premises or to premises conveyed by deed of trust derived from any sale made in virtue of such power and confirmed as aforesaid, shall be questioned, impeached, or defeated, either at law or in equity, by reason that the mortgaged premises were purchased in by the mortgagee or creditor in the deed of trust, or their assignees or their legal representatives, or for their benefit or account.

No injunction shall be granted to stay any sale or any proceedings after any sale of premises mortgaged or conveyed in trust under this chapter, unless the party praying such injunction shall be also a party to the deed of mortgage or trust in virtue of which the property sold or offered for sale shall have been mortgaged or conveyed in trust, or shall claim under such party a right to or interest in such premises, derived and accruing after the time of recording such mortgage or trust, nor unless such party shall on oath allege that the debt and all interest and expenses due thereon have been fully paid, or that some part of such debt, interest, or expenses, the amount of which he shall state, has been paid, and that the mortgagee, creditor, or persons acting under him or them refuses to give credit for such amount, or that some fraud which shall be particularly stated in the bill or petition for injunction was used in obtaining the mortgage or deed of trust.

If any such injunction shall be granted, and on the dissolution therof

the court shall be satisfied that the same was obtained through misrepresentation and for delay, the court shall decide that the party who obtained the same shall pay interest to the mortgagee or creditor, or to the party claiming under them, at double the rate per annum reserved in the mortgage or deed of trust, on the amount of the debt from the time of granting the injunction until the same shall be dissolved, and shall enforce the execution of such decree by a sale of the premises mortgaged or conveyed in trust, or other property belonging to the party or against the injunction bond and sureties.

The purchaser of any estate or interest in lands and tenements sold under the provisions of this chapter, on the confirmation of and compliance with the terms of sale to him, shall be entitled to sue forth out of the court a writ of possession against the mortgagor or grantor, his heirs, executors, or assigns, if the same shall be in his or their possession, directed to the marshal, commanding him to put such purchaser into possession of such mortgage or trust property, which shall be executed in the same manner as other writs of possession.

All purchasers under such sale shall have the same rights and remedies against the tenants of mortgagor or grantor in the deed of trust as the mortgagor or grantor had, and the said tenants shall have the same rights and remedies against the purchaser as they would have had against the mortgageor or grantor. But no lease made after the mortgage or other conveyance was duly made and recorded shall be valid as against the purchaser.

On the death of a mortgagee or trustee of lands, his interest and estate in the mortgaged or trust premises shall devolve on, and vest in, his executor or administrator.

The executor or administrator of any mortgagee or trustee, or the assignee, or the executor or administrator of any assignee, of any mortgagee or trustee, where the mortgage or trust debt has been paid, may release a mortgage or deed of trust in the same manner and by the same means that a mortgagee or trustee can release.

An assignment of a mortgage may be made in the following form, or to the like effect.

I hereby assign the within mortgage to (the assignee.)

Witness my hand and seal this —— day of ———.

——— ———. [SEAL.]

Every assignment made in the above form, or the same in substance, indorsed upon the original mortgage, shall be construed and deemed sufficient to convey to the assignee every right which the assignor possessed under said mortgage at the time of the assignment thereof, in as full and ample a manner as any instrument of writing whatever could do.

A release of a mortgage or deed of trust may be made in the following form, or to the like effect:

I hereby release the above (or within) mortgage, (or deed of trust.)

Witness my hand and seal this ——— day of ———.

——— ———. [SEAL.]

Which release shall be acknowledged in the same manner as is provided for the acknowledgment of deeds.

Such release or such assignment may be written by the mortgagee, or his assignee, or by the grantee in the deed of trust, upon the record in the office where the mortgage or deed of trust is recorded, to be attested by the recorder; and the recorder, at the time of recording every

mortgage or deed of trust, shall leave a blank space at the foot thereof for the purpose of entering such release.

Or such a release may be indorsed on the original mortgage or deed of trust by the mortgagee or his assignee, or by the grantee in the deed of trust; and upon such mortgage or deed of trust, with the release thereon indorsed, being filed in the recorder's office, the recorder shall record such release at the foot of the mortgage or deed of trust.

When the mortgage or deed of trust, with the release thereon, is filed for the purpose of recording the release, the recorder shall retain such mortgage or deed of trust in his office, and not permit the same to be again withdrawn.

Every release executed in either of the above modes shall be construed and deemed sufficient to release said mortgage or deed of trust as fully and effectually as any instrument of writing whatever could do.

A deposit of title-deeds shall not be taken as evidence of an agreement to make a mortgage, nor shall a mortgage in equity arise therefrom.

CHAPTER V.—ACKNOWLEDGMENT OF DEEDS.

No estate of inheritance or freehold, or any declaration or limitation of use, except such as arise by operation of law, or any estate for above seven years, shall pass or take effect, unless the deed conveying the same shall be acknowledged and recorded as herein provided, except as against the grantor, his heirs, and devisees, and persons having actual notice thereof.

Every power of attorney authorizing an agent or attorney to sell and convey any real estate, shall be acknowledged in the same manner as a deed, and recorded; but a corporation shall have power to appoint an attorney for the same purpose by its corporate seal.

Any person executing a deed conveying real estate, as agent or attorney for another, shall describe himself in and sign the deed as agent or attorney.

Such power of attorney shall be deemed to be revoked when the instrument containing the revocation is duly recorded in the office of the recorder of deeds.

All deeds require to be acknowledged; the acknowledgment, if made within the District of Columbia, may be made before—

1. A justice of the peace for said District.
2. A notary-public for said District.
3. The recorder of deeds for said District.
4. A United States commissioner for said District.
5. The clerk of the Supreme Court of said District.
6. A justice of the Supreme Court of said District.

If acknowledged without this District, the acknowledgment may be made before—

1. A justice of the peace.
2. A notary-public.
3. A commissioner of the District to take acknowledgments of deeds.
4. A judge of any court of the United States.
5. A judge of any court of any State or Territory having a seal.
6. Any minister or consul of the United States.

When such acknowledgment shall be taken before any officer who has a seal, the same shall be affixed to the certificate; when taken with-

out this District before the judge of any court having a seal, the seal of such court shall be affixed; when taken without this District before any justice of the peace, there shall accompany such certificate of acknowledgment a certificate of the clerk or other public officer having official cognizance of the fact, under his official seal, that such person was, at the date of his said certificate, in fact a justice as he purports to be.

When acknowledgments are taken without this District, the officers hereinbefore authorized shall, at the time of taking the same, be within their respective jurisdictions.

When any deed shall be acknowledged without this District, it shall be deemed a sufficient certificate of acknowledgment, if the same conforms to and is sufficient to pass real estate by the law of the place where the same is taken.

The certificate of acknowledgment may be annexed to such deed and to the following effect, to wit:

County (or city, &c.) to wit:

I, A. B., a justice of the peace, in and for the county (or city, &c.) aforesaid, in the District of Columbia, (State, &c.,) ——, do hereby certify that E. F., a party to a certain deed, bearing date on the —— day of ———, and hereto annexed, personally appeared before me in my county (or city, &c.) aforesaid, the said E. F. being personally well known to me, as (or proved by the oaths of credible witnesses before me to be) the person who executed the said deed, and acknowledged the same to be (his, her, or their) act and deed.

Given under my hand and seal this ——— day of ———.

——— ———. [SEAL.]

Hereafter there need be no privy and separate acknowledgment for a feme-covert. The foregoing form of certificate shall be a sufficient acknowledgment for a married woman.

All deeds heretofore recorded in the land-records of the District of Columbia, which have been executed and acknowledged by femes-covert (their husbands having signed and sealed the same) for conveying any real estate, or interest therein, situated in said District; and all acknowledgments of deeds heretofore recorded, as aforesaid, which have been made by femes-covert (whether they have executed the deed or not) for the purpose of releasing their claims to dower in the lands described therein, situated as aforesaid, in which acknowledgments the form prescribed by law has not been followed; and all deeds heretofore recorded, as aforesaid, which have been executed and acknowledged by an attorney in fact, duly appointed for conveying real estate situated in said District; and all deeds heretofore recorded, as aforesaid, executed and acknowledged, or only acknowledged by such attorney in fact for conveying real estate situated in said District, as to which the acknowledgment was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace; and all deeds heretofore executed and recorded, as aforesaid, for the purpose of conveying land situated in said district, acknowledged out of the District of Columbia, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public; and all deeds heretofore executed and recorded, as aforesaid, for the purpose of conveying land situated in said District, acknowledged by an attorney-in-fact, duly appointed, or by an officer of a corporation, duly authorized, who has acknowledged the same to

be his act and deed, instead of the act and deed of the grantor or of the corporation; and all deeds heretofore executed and recorded, as aforesaid, for the purpose of conveying land situated in said District to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, shall be, and the same are hereby, declared to be of the same effect and validity to pass the fee-simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned in favor of parties in actual possession, claiming under and through such deeds, as if such deeds had been by such femes-covert executed and acknowledged, or acknowledged in case of a dower right, in the form heretofore prescribed by law; as if such deeds had been executed and acknowledged by the grantor in the deed; as if such power of attorney had been proved before the officer or officers taking the acknowledgment; as if such power of attorney had been proved before two justices of the peace; as if such acknowledgment had been made before any judge of a State court, or before two justices of the peace; as if such attorneys in fact or officer of a corporation had acknowledged the deed to be the deed of the grantor or of the corporation; as if such deeds had thereto annexed a certificate, in legal form, that the officer or officers taking the acknowledgment were really what they purport to be: *Provided*, That the certificate of acknowledgment by a feme-covert shall show that the acknowledgment was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect: *And provided also*, That when the power of attorney shall have [been] executed by a feme-covert the same shall be effectual and sufficient if there shall have been such an acknowledgment of the same as would be sufficient, under the provisions of this act, to pass her estate and interest therein were she a party executing the deed of conveyance, the record and copy thereof of any deed recorded as aforesaid to be evidence thereof, in the same manner and to have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

The acts of Congress approved May thirty-first, eighteen hundred and thirty-two, and April twenty, eighteen hundred and thirty-eight, in reference to the acknowledgment and recording of deeds of land situated in said District, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in said District at the passage thereof, and that an acknowledgment made and certified in compliance with any one of said acts, and before any officers authorized by either of said acts to take an acknowledgment, (whether in or out of the District of Columbia,) shall be good and effectual; and if it shall appear that the grantor "acknowledged said deed," it shall have the same effect as if he or she acknowledged the deed to be his or her act and deed. And any acknowledgment made by a feme-covert under either of said acts of Congress (which shall be sufficient under the provisions of this act) of any deed executed by her husband, and heretofore recorded in the District of Columbia, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in said District, although she shall not have executed the same.

All acknowledgments of deeds and other papers relative to the conveyance of lands in the District of Columbia that have heretofore been taken before one justice of the peace, whether in the District or any of the States and Territories, shall be deemed valid and effectual,

provided that nothing in this section shall be held to impair the title of *bona fide* purchasers who, by conveyances and formal acknowledgments have, prior to the passage of these laws, acquired paramount titles under existing laws.

CHAPTER VI.—RECORDING OF DEEDS, AND HEREIN OF RECORDER OF DEEDS.

There shall be appointed by the President, by and with the advice and consent of the Senate, a recorder of deeds of the District of Columbia.

The recorder, before he enters upon the duties of his office, shall be sworn to the faithful discharge thereof, and shall give bond to the United States in the sum of ten thousand dollars for the faithful discharge of the duties of his office, with security to be approved by a justice of the supreme court of the District of Columbia.

The recorder may appoint one or more deputies, who shall be removable at his pleasure. Such appointment shall be in writing, filed and recorded in the office of the recorder; and the recorder so appointing any deputy, and the sureties of such recorder, shall be responsible for the faithful performance of the duties of such deputy.

And in case of the death of such recorder such deputy may act in the name of such recorder until a successor be appointed.

All deeds, conveyances, and other instruments authorized and required to be recorded shall be recorded in the office of the recorder of deeds of the District of Columbia.

The recorder shall have the custody of, and shall safely keep and preserve, all the books, records, maps, and papers, deposited in his office; and on going out of office shall deliver to his successor the seal of office, all the books, records, and other instruments of writing, belonging to said office, and shall take his successor's receipt therefor; and in case of the death of the recorder, his personal representatives or deputy shall deliver over the seal, books, records, and papers, as aforesaid.

When any deed or instrument of writing authorized by law to be recorded in the recorder's office shall be deposited in his office for record, there shall be indorsed on the same the time when it was received, and the said deed or instrument of writing shall be recorded, as aforesaid, without delay, together with the acknowledgments, proofs, and certificates written over and under the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order, and as of the time when the same was delivered for record. At the foot of any such record, the date of the reception of any such deed or instrument of writing, and the name of the person at whose request it was recorded, shall be noted.

The recorder shall keep a book, in which he shall make an entry, upon the reception of any deed or instrument of writing authorized or required to be recorded by him, the date of the reception, (including the hour and minute,) and the names of the grantors and grantees, or other parties, alphabetically.

The recorder shall keep suitable and well-bound books, wherein shall be recorded, in a fair, large, and legible hand, all deeds and other instruments of writing which shall be delivered to him, and which are authorized or required to be recorded by him. He shall have and keep a seal of office, and shall make out for any person demanding the same, a fair and accurate copy of any record in his office, and certify the same under his hand and the seal of his office, which shall have the same force and

effect as the original record would have if produced. Such books shall be open, from 9 a. m. until 4 p. m. of each day, to the inspection of any person without charge.

The recorder shall attach to every book kept in his office, in which conveyances or other instruments of writing are recorded, an index of the matters contained in such book, arranged in alphabetical order, under the names of the several parties to such matters, with reference to the pages where the same may be found.

Every conveyance or other instrument of writing shall be recorded in the order of priority of time at which it was delivered for record.

The recorder shall indorse upon any deed or instrument of writing the book and page or pages of the book in which the same is recorded, and the time when recorded; and, after the same is recorded, shall deliver it, except where otherwise ordered, upon request, to the party leaving the same for record, or to his order.

Every grant, mortgage, deed of trust, or other conveyance of land, shall bind the parties and privies to it from the delivery thereof; those having actual notice from the time of notice thereof, and every other person from the time when it is delivered for record in the office of the recorder of deeds.

Every title-bond, or other written contract in relation to land, may be acknowledged and recorded in the same manner as deeds for the conveyance of land; and such acknowledgment, and the delivery of such bond or contract to the recorder, to be recorded, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.

The record of all deeds and other written contracts herein authorized to be acknowledged and recorded, and which have been duly acknowledged and recorded, shall be prima-facie proof of their contents.

The recorder shall provide proper books for making general indexes of the conveyances and other instruments of writing recorded in his office, and shall form indexes therein in such manner as to afford correct and easy reference to the several books of record in his office. He shall keep, in separate volumes—

1. An index of conveyances for each year, labeled "Alphabetical index for the year 18—," in which shall be indexed, alphabetically, the name of every grantor and grantee, according to the initial letters of both surname and given name, each page of which index shall be divided into seven columns, as follows:

Grantor or grantee.	To or from.	Grantee or grantor.	Character of conveyance.	Property conveyed.		Where recorded.		Remarks.
				Square.	Lot.	Liber.	Folio.	

Under the column "Remarks," the recorder, whenever any deed of trust or mortgage may be released, shall write the word "Released," and the date of its being recorded, on the same line where it is indexed, in addition to indexing the release as provided for in other deeds.

2. An index labeled "Property index for Washington City," in which

shall be indexed all property within said city conveyed by any recorded deed, each page of which shall be divided into five columns, as follows:

Square.	Lot or subdivision lot.	Grantor.	Grantee.	Where recorded.	
				Liber.	Folio.

For this purpose the recorder shall provide twelve volumes, each to contain references to one hundred squares, and each square (proceeding numerically) to be assigned a proportionate part of the volume.

Each of the indexes required by the preceding section shall be kept up to within one month from date.

When a deed is executed by an agent or attorney, the same shall be indexed in the name of the principal, and also of the agent or attorney.

It shall be the duty of the recorder, upon the application of any person, and upon the payment or tender of the legal fees therefor, to make searches for conveyances and other instruments of writing recorded or filed in his office, and to furnish a certificate thereof.

The recorder shall not be bound to record any instrument, or file any paper, or furnish any copy, or render any service connected with his office, until his fees for the same, as prescribed by law, are paid or tendered.

The legal fees for the services of said recorder of deeds shall be as follows, viz:

The filing, recording, and indexing, or for making certified copy of any instrument containing two hundred words or less, fifty cents, and fifteen cents for each additional hundred words, to be collected at the time of filing, and when the copy is made.

For each certificate and seal, twenty-five cents.

For searching records extending back two years or less next preceding current date, twenty five cents, and five cents for each additional year, to be paid by the party for whom the search may be made.

For recording a town plat, three cents for each lot such plat may contain.

For recording a plat or survey, five cents for each course such survey may contain.

For filing and indexing any paper required by law to be filed in his office, fifteen cents.

For taking any acknowledgment, fifty cents.

The recorder of deeds shall not hereafter be allowed to receive and appropriate to his own use from the fees and emoluments of his office, a greater sum than four thousand dollars annually; and all the earnings, fees, and emoluments of his said office, after paying the necessary expenses thereof, including his own compensation, shall be paid by him into the treasury of this District semi-annually, in accordance with regulations to be prescribed by the comptroller of this District.

The recorder may employ such assistants, at such compensation as the supreme court of the District in general term may approve.

CHAPTER VII.—FRAUDULENT AND VOID CONTRACTS, CONVEYANCES, AND DEVISES.

No action shall be maintained in any of the following cases unless the promise, contract, or representation upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and subscribed by the party to be charged therewith, or by some person thereunto by him lawfully authorized:

First. To charge an executor or administrator, upon any special promise, to answer damages, or to pay the debts of the testator or intestate out of his own estate; or,

Secondly. To charge any person upon any agreement made in consideration of marriage, except mutual promises to marry.

Thirdly. To charge any person upon any special promise to answer for the debt, default, or miscarriage of another; or,

Fourthly. To charge any person upon a special promise made by him, after attaining full age, to pay a debt contracted during infancy; or upon a ratification, after full age, of a promise or contract made during infancy; or,

Fifthly. To charge any person upon or by reason of any assurance or representation concerning the character, conduct, ability, trade, or dealings of another, made to the intent or purpose that such other may obtain thereby credit, money, or goods; or,

Sixthly. Upon any agreement that is not to be performed within one year from the making thereof; or,

Seventhly. Upon any contract for the sale of land, or the lease thereof.

No contract for the sale of any goods, chattels, or things in action, for the price of fifty dollars or more, shall be valid, unless—

1st. A note or memorandum of such contract be made in writing, and be subscribed by the party to be charged therewith, or by some person thereunto by him lawfully authorized; or,

2dly. Unless the buyer shall accept and receive a part of such goods or chattels, or the evidences, or some of them, of such things in action; or,

3dly. Unless the buyer shall at the time pay some part of the purchase-money.

The consideration of any such promise, contract, agreement, or representation, of the two preceding sections, need not be set forth or expressed in such writing, but may be proved by any legal evidence.

The provisions of section three shall extend to all contracts for the sale of goods of the value of fifty dollars or more, notwithstanding it may be intended to deliver the goods at some future day, or the same may not at the time of such contract be actually made, provided, or fit for delivery, but require some act for the making or completing thereof, and rendering the same fit for delivery.

Whenever any property, real or personal, shall be sold at public auction, and the auctioneer shall at the time of sale enter in a sale-book a memorandum specifying the nature and price of the property sold, the terms of sale, the name of the purchaser, and the name of the person on whose account the sale is made, such memorandum shall be deemed a note of the contract of sale within the meaning of the section immediately preceding, or of part seventh of section one.

Nothing contained in this chapter shall be construed to abridge the powers of the supreme court to compel the specific performance of agreements, in cases of partial performance thereof.

Every gift, grant, or conveyance of lands, tenements, hereditaments,

goods, or chattels, or of any rent, common or profit of the same, by writing or otherwise, and every bond, suit, judgment, or execution had and made, or contrived of malice, fraud, covin, collusion, or guile, to the intent or purpose to delay, hinder, or defraud creditors of their just and lawful actions, suits, debts, accounts, damages, penalties, or forfeitures, or to defraud or deceive those who shall purchase the same lands, tenements, or hereditaments, or any rent, profit, or commodity out of them, shall be from thenceforth deemed and taken only as against the person or persons, his, her, or their heirs, successors, executors, administrators, or assigns, and every of them, whose debts, suits, demands, estates, and interests by such guileful and covinous devices and practices as aforesaid shall or might be in anywise disturbed, hindered, delayed, or defrauded, to be clearly and utterly void; any pretense, color, feigned consideration, expressing of use, or any other matter or thing to the contrary notwithstanding.

This chapter shall not extend to any estate or interest in any lands, goods, or chattels, or any rents, common or profit, out of the same, which shall be upon good consideration and bona fide lawfully conveyed or assured to any person or persons, bodies politic or corporate.

Every gift, conveyance, assignment, transfer, or charge, which is not upon consideration deemed valuable in law, shall be void as to creditors whose debts shall have been contracted at the time it was made, but shall not, on that account merely, be void as to creditors whose debts shall have been contracted, or as to purchasers who shall have purchased after it was made; and though it be decreed to be void as to a prior creditor, because voluntary, it shall not for that cause be decreed to be void as to subsequent creditors or purchasers.

No such conveyance, charge, estate, interest, use, or trust, otherwise valid, shall be deemed fraudulent in favor of a subsequent purchaser, who shall have actual or constructive notice thereof at the time of his purchase, unless it shall appear that the grantee in such conveyance, or person to be benefited by such charge, estate, interest, use, or trust, was privy to the fraud intended.

Every conveyance of, or charge upon, any estate in lands, containing any provision for revocation at the will of the grantor, shall be void as against subsequent purchasers, from such grantor, for a valuable consideration, of any estate or interest so liable to be revoked, although the same may not be expressly revoked.

When a power to revoke a conveyance of any interest in lands, and to reconvey the same, shall be given to any person other than the grantor, and such person shall thereafter convey such interest to a purchaser, for a valuable consideration, such subsequent conveyance shall be valid.

If a conveyance to a purchaser, under either of the last two preceding sections, shall be made before the person making the same shall be entitled to execute his power of revocation, it shall be valid from the time the power of revocation shall vest in such person.

All deeds of gift, conveyances, transfers, or assignments, verbal or written, of goods or things in action, made in trust for the use of the person making the same, shall be void as against creditors, existing or subsequent, of such person.

Every conveyance, charge, instrument, act, or proceeding, declared by the provisions of this chapter to be void as against creditors or purchasers, shall be void against the heirs, executors, administrators, or assignees, of such creditors or purchasers.

The provisions of this chapter shall not be construed to affect the

title of a purchaser for a valuable consideration, unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor or assignor, or of the fraud rendering void the title of such grantor or assignor.

The question of fraudulent intent, in all cases arising under any of the provisions of this chapter, shall be deemed a question of fact, nor shall any conveyance or charge be adjudged fraudulent as against creditors or purchasers, solely on the ground that it was not founded on a valuable consideration.

Every conveyance or devise of lands, and every gift or bequest of goods or chattels, to any minister of the gospel, as such, or to any religious sect or denomination, or for the support or in trust for the same, shall be void, except such as either of them are authorized to hold.

All wills and testaments, limitations, dispositions, or appointments of or concerning any lands and tenements, or of any rent, profit, term, or charge out of the same, whereof any person or persons, at the time of his, her, or their decease, shall be seized in fee-simple, in possession, in reversion, or remainder, or have power to dispose of the same, by his, her, or their last will and testament, shall be deemed and taken (only as against the person or persons, his, her, or their heirs, successors, executors, administrators, or assigns, and every of them, whose debts, suits, demands, estates, and interests, by such will, testament, limitation, disposition, or appointment as aforesaid, shall or might be in any wise disturbed, hindered, delayed, or defrauded) to be fraudulent, void, and of none effect, any pretense, color, feigned or presumed consideration, or any other matter or thing, to the contrary notwithstanding.

Any person or persons, his, her, or their heirs, devisees, executors, administrators, successors, or assigns, and every of them, who shall or may have any debts, suits, or demands against any person or persons who shall make any fraudulent devise as aforesaid, or who have any debts, suits, or demands against any person or persons who shall die intestate, and have real estate, to his, her, or their heirs, to descend according to the laws of this District, shall and may have and maintain the same action or actions which lie against executors and administrators, upon his, her, or their bonds, specialties, contracts, agreements, and undertakings, against the executors or administrators, and the heir or heirs, or against the executors or administrators and the devisee or devisees, or may join the executors or administrators, the heir or heirs, and the devisee or devisees of such obligor or obligors, undertaker or undertakers, as aforesaid, and shall not be delayed for the non-age of any of the parties.

When any lands, tenements or hereditaments, or any rents or profits out of the same, shall descend to any heir or heirs, or be devised to any devisee or devisees, and the personal estate of the ancestor of such heir or heirs, or devisor of such devisee or devisees, shall be insufficient to discharge the just demands against such ancestor or devisor's estate, such heir or heirs, devisee or devisees, shall be liable to the creditor of their ancestor or devisor to the full amount of the lands, tenements, or hereditaments, or rents and profits out of the same, as may descend or be devised to the said heir or heirs, devisee or devisees; and in all cases where any heir or heirs, devisee or devisees, shall be liable to pay the debt or debts of his executor or devisor in regard of any lands, tenements, or hereditaments, or any rent or profit arising out of the same, descending or being devised to him, her, or them, and shall sell, alien, or make over the same before any action brought, or process sued out against him, her, or them, such heir or heirs at law, devisee or devisees

shall be answerable for such debt or debts to the value of the said lands, tenements and hereditaments, rents or profits so by him, her, or them sold, aliened, or made over; and executions may be taken out upon any judgment so obtained against such heir or heirs, devisee or devisees, to the value of the said lands, tenements and hereditaments, rents and profits out of the same, as if the same were his, her, or their own proper debt or debts.

All debts and liabilities of which any person may be subject at the time of his death shall be a lien for five years from the time of his death on all real estate or interest therein of which he may die seized or interested.

When any action or suit is brought against any heir or heirs, devisee or devisees, or purchaser, he, she, or they may plead riens per descent at the time of the commencement of the action or suit, and if upon issue joined thereupon it be found for the plaintiff, the jury shall inquire of the value of the lands, tenements, hereditaments, or rents and profits out of the same, so descended or devised, and thereupon judgment shall be given and execution awarded as aforesaid; but if judgment be given against such heir or heirs, devisee or devisees, or purchaser, by confessing of the action without confessing the assets descended or devised, or upon demurrer or nihil dicit, or default, said judgment shall be given for the plaintiff without any writ to inquire of the lands, tenements, or hereditaments, or rents and profits out of the same so descended or devised.

CHAPTER VIII.—LIMITATIONS OF REAL AND PERSONAL PROPERTY.

No limitation or condition shall suspend the absolute ownership of personal property longer than till the termination of lives in being at the time of the execution of the instrument containing such limitation or condition; or, if in a will, of lives in being at the death of the testator.

Any provision for the accumulation of interest, or income of money, or other personal property, by any conveyance or will, shall be void, except as follows:

1. If the accumulation be directed to commence from the date of the instrument, or the death of the person executing the same, it may be for the benefit of one or more minors then in being, or in being at such death, and to terminate at the expiration of their minority.

2. If the accumulation be directed to commence at any period subsequent to the death of the person executing such instrument, it may be within the time allowed in the first section of this chapter for the suspension of ownership, and at some time during the minority of the persons for whose benefit it is intended, and must terminate at the expiration of their minority. Any provisions for accumulation beyond the minority of such persons shall be void only as respects the time beyond such minority.

If a minor for whose benefit such accumulation may have been directed shall be destitute of means of support or of education, the supreme court may, on complaint of such minor or his guardian, cause a reasonable sum to be taken from such accumulation for his support or education, or both.

The application shall be made by petition upon the equity side of the court, verified by affidavit, and the like proceedings shall be had as hereinafter provided in this chapter, section nine.

The survivor of persons holding personal property in joint tenancy shall have the same rights only as the survivor of tenants in common, unless otherwise expressed in the instrument.

The absolute power of aliening lands shall not be suspended by any limitation or condition whatever contained in any conveyance or devise, for a longer period than during the existence of a life or any number of lives in being at the creation of the estate conveyed or devised, and therein specified, with the exception that a contingent remainder in fee may be limited on a prior remainder in fee, to take effect in the event that the person to whom the first remainder is limited shall die under the age of twenty-one years, or upon any other contingency by which the estate of such person may be determined before he attains full age.

Where a remainder for life shall be limited on any other than a life or lives in being at the creation of such estate, all the life estates subsequent to those persons entitled to take life estates according to the provisions of the preceding section, shall be void; and upon the death of those persons entitled to take, the remainder shall take effect, in the same manner as if such void estates had not been created.

Where real estate is limited by deed or will to one or more for life or lives, with a contingent limitation over to such issue of one or more of the tenants for life as shall be living at the determination of the estate for life or for lives, the supreme court may, upon the application of the tenants for life, and proof that a sale is expedient, and that it will not be to the prejudice of any interested, order a sale of such real estate.

The application for such sale shall be made by petition, to the equity side of the court, verified by the oath of the party, in which shall be stated all facts showing the expediency of such sale. Such of the issue contemplated by the limitation as shall be in existence at the time of such application shall be made defendants, together with all who would take the estate in case the limitation over should never vest. If any be minors, guardians ad litem shall be appointed, who shall answer on oath, and any minors above the age of fourteen years shall answer, in proper person, in like manner.

Whether the answer to the petition admit the facts alleged or not, the court, before it orders a sale, shall require every fact which may be material to ascertain the propriety of such sale to be clearly proved to its satisfaction, and in such manner as it shall direct. Depositions shall be taken in the presence of the guardians ad litem, or on interrogatories agreed upon by them.

No such sale shall be ordered if the deed or will limiting the estate shall prohibit the same.

When such sale shall have been authorized and made, and the terms thereof complied with, and the purchase-money paid in full, the court may order a conveyance to be executed to the purchaser.

The proceeds of the sale of such real estate shall be invested in such manner and in such securities as the said court shall direct. The interest on such investment shall go to the tenants for life, and the principal thereof shall be deemed real estate, and as such shall be subject to the limitations of the deed or will.

TRUSTS AND POWERS.

No person beneficially interested in a trust for the receipt of the rents and profits of lands can dispose of such interest, unless the right to make disposition thereof is conferred by the instrument creating such

trust; but the interest of every person for whose benefit a trust for the payment of a sum in gross is created is assignable.

When a conveyance for a valuable consideration is made to one person and the consideration therefor is paid by another, no use or trust shall result in favor of the latter; but the title shall vest in the former, subject to the provisions of the next two sections.

Every such conveyance shall be presumed fraudulent as against the creditors of the person paying the consideration therefor; and where a fraudulent intent is not disproved, a trust shall, in all cases, result in favor of prior creditors to the extent of their just demands; and also in favor of subsequent creditors, if there be sufficient evidence of fraudulent intent.

The provisions of the section next before the last shall not extend to cases where the alienee shall have taken an absolute conveyance in his own name, without the consent of the person with whose money the consideration was paid; or where such alienee, in violation of some trust, shall have purchased the land with moneys not his own, or where it shall be made to appear that by agreement, and without any fraudulent intent, the party to whom the conveyance was made, or in whom the title shall vest, was to hold the land, or some interest therein, in trust for the party paying the purchase-money, or some part thereof.

No person who shall in good faith pay money to a trustee authorized to receive the same shall be responsible for the proper application of such money; nor shall any right or title derived by him from such trustee in consideration of such payment be called in question in consequence of misapplication by the trustee of such money.

Upon the death of a sole or surviving trustee of an express trust, on proper application, the court shall forthwith appoint a successor in whom the trust shall vest.

Upon petition of any trustee of an express trust, the court may accept his resignation, and discharge him from the trust, upon such terms as the rights of the persons interested in the execution of the trust may require.

Trustees having violated, or attempted to violate, any express trust, or becoming insolvent, or of whose solvency, or that of their sureties, there is reasonable doubt, or for other cause, in the discretion of the supreme court may, on petition of any person interested, after hearing, be removed by such court, and all vacancies in express trusteeships may be filled by such court.

CHAPTER IX.—ESCHEAT.

If any person shall die seized or possessed of any real or personal estate, without any devise thereof, and leaving no heirs or representatives capable of inheriting the same, or the devisees thereof be incapable of holding the same, and in all cases where there is no owner of real estate capable of holding the same, such estate shall escheat to and vest in the District of Columbia; but the same, whether held by the District of Columbia or their grantees, shall be subject to such trusts, incumbrances, and charges, as it would have been subject to had it descended.

Estates held in trust shall be liable to escheat, when the cestui que trust dies without heirs, so far as it would if the person holding the equitable title had the legal.

Estates vested in a person merely as trustee shall not escheat or be

forfeited to the District of Columbia by reason of the trustee dying without heirs.

In all cases where real estate has escheated, any person having a claim to any trust, charge, or incumbrance, may file his complaint to enforce the same, in the supreme court of this District, the District being made defendant thereto, and there shall be such proceedings thereon as there might have been between the complainant and the heirs of the party whose title has escheated, had he left heirs.

Any person who claims an interest or estate in the property, though he is not named in the information filed in accordance with section thirty-four, chapter seven, title two, part three, nor served with process, may appear and answer thereto.

The judgment on the information shall be conclusive between the District of Columbia and the defendants who appear and answer, and against every person named as a defendant upon whom the summons has been duly served within the District, and all persons claiming under such defendants.

In case of any supposed escheat, when no person appears as the heir or representative of the person last seized or possessed, and in all cases when there is reason to suppose that there is any person claiming any estate or interest in the property whose name is unknown, or who is absent from the District, or cannot be found therein, to be served with process, the court shall, in addition to any other service, order notice to be given to all persons interested to appear and answer to the information, by causing the substance thereof, with the order of the court, to be published not less than once a week for three weeks in such newspaper or newspapers as the court shall direct, the first publication to be at least forty days before the time appointed for the appearance of the parties.

CHAPTER X.—LANDLORD AND TENANT.

A grantee or assignee of any land let to lease, or of the reversion thereof, and his personal representatives or assigns, shall enjoy against the lessee, his heirs, personal representatives or assigns, the like advantage, by action or entry, for any forfeiture, or by action upon any covenant or promise in the lease, which the grantor, assignor, or lessor or his heirs, might have enjoyed.

A lessee, his personal representatives or assigns, may have against a grantee or alienee of the reversion, or of any part thereof, his heirs or assigns, the like benefit of any condition, covenant, or promise in the lease as he could have had against the lessors themselves and their heirs and assigns, except the benefit of any warranty in deed or law.

The attornment of a tenant to any stranger shall be void, unless it be with the consent of the landlord of such tenant, or pursuant to or in consequence of the judgment, order, or decree of a court.

Grants or devises of rents, reversions, or other interest in lands occupied by tenants, shall be valid without the attornments of such tenants to the grantee. But the payment of rent to such grantor by his tenant before actual notice of the grant shall be binding upon the grantee.

An interesse termini may not only be assigned or granted, but may also be surrendered and enlarged by a release, or otherwise disposed of in like manner as if the same were a term in possession.

Any person entitled thereto may recover a reasonable compensation for the use and occupation of any lands or tenements, from any person who has occupied the same, whenever the amount of rent has not been specified by any contract. Interest shall be allowed as on contracts.

On the determination, by death or otherwise, of the estate or other thing, from or in respect of which any rent, hire, or money coming due, at fixed periods, issues or is derived, or on the death of any person interested in such rent, hire, or money, the person or the personal representatives or assignee of the person, who would have been entitled, but for such death or determination, to the rent, hire, or money coming due at any such period, shall have a proportionate part thereof, according to the time which shall have elapsed of the time for which the said rent, hire, or other money was growing due, including the day of such death or determination, deducting a proportional part of the charges.

For recovering such proportion, the said person, representative, or assignee, shall, after such fixed period, have such remedies as he would have had for recovering the whole of such rent, hire, or other money, if entitled thereto.

But this chapter shall not apply to any case in which it is expressly provided that no apportionment shall take place.

Where the holder of a rent shall purchase part of the land out of which the same issues, the rent shall be apportioned in like manner as if the land had come to him by descent; and where the holder of land, being part of land out of which a rent shall be issuing, shall purchase such rent or part thereof, the rent so purchased shall be apportioned as aforesaid.

In the absence of express agreement to the contrary, all rent reserved or to be paid for the lease or occupation of land or premises shall be deemed due and payable monthly, counting from the date of the lease or occupation.

All occupation, possession, or holding of any messuage or real estate, without express contract in writing, shall be deemed and held to be tenancies at will.

All occupation, possession, or holding of any messuage or real estate, with the consent of the landlord after the expiration of the term for which the same was originally rented, shall be deemed and held to be tenancies at will.

All tenancies at will or at sufferance may be determined by a notice in writing to quit, of thirty days.

When there is an express contract in writing for the lease of premises from year to year, or as a yearly tenancy, the tenancy may be determined by at least three months' notice to quit, in writing, prior to the expiration of the year.

When there is an express contract in writing for the lease of premises, and no definite period is fixed for the duration of the term, the tenancy may be determined by three months' notice to quit, in writing.

When there is an express contract in writing for the lease of premises from month to month, or as a monthly tenant, the tenancy may be determined by at least thirty days' notice to quit, in writing.

No notice to quit shall be necessary when the term for which the estate was rented has expired, or the lease has become sooner ended or void by its own terms, conditions, or limitations.

Every such notice to quit shall be given in writing, and shall be equally required of either the landlord or tenant to determine the tenancy.

The same shall be served by delivering it to the landlord or tenant,

as the case may be, in hand, or to some person of proper age upon the premises, or in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read.

If in any case rent shall be due and payable, and the same shall be demanded by the landlord and be not paid, or the tenant shall be guilty of waste, then the notice to quit heretofore provided for shall be deemed to be waived and unnecessary for the purpose of determining the tenancy, and the landlord may proceed to recover possession as if a sufficient notice to quit had been duly served.

The demand for rent in arrears, provided for in the preceding section, may be made at any time after the rent is due and payable. But payment or a tender of the amount due, with interest and legal costs, at any time before judgment for the possession, shall be a bar to further proceedings to recover possession for non-payment of rent where no notice to quit has been given.

The mere acceptance by a party served with a notice to quit shorter in point of time than that required by law to determine the tenancy, shall not be deemed prima facie evidence of an agreement between the parties that a notice of less than the regular period might be given.

When forcible entry is made, or when a peaceable entry is made and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease, by its own limitation, or otherwise, or by notice to quit or otherwise, on written complaint, on oath of the person entitled to the premises, or his agent, to a justice of the peace, charging a forcible entry or detainer, or an unlawful holding of possession as aforesaid, a summons shall be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him; which shall be served like other writs of summons, at least seven days before his appearance.

If it appears by default, or upon trial, that the complainant is entitled to the possession of the premises, he shall have judgment. If upon trial, defendant pleads title to the premises in himself, or in another person under whom he claims the premises, he shall recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages and costs, and reasonable intervening rent for the premises; and the complainant shall, in like manner, recognize to the defendant conditioned to enter the suit at the next special term for the trial of cases at law, of the supreme court of this District, and pay all costs adjudged against him; and thereupon the proceedings shall be certified to said court by the justice. If either party neglects so to recognize, judgment shall be rendered against him, as on non-suit or default, and execution shall issue accordingly as aforesaid, and execution for the possession and costs; if the complainant becomes non-suit, or fails to prove his right to possession, the defendant shall have judgment and execution for his costs.

Either party against whom judgment is rendered by a justice of the peace may appeal from such judgment to the supreme court of this District, in the same manner as appeals are taken to the said court in other cases; but in case of an appeal by a defendant, he shall, in addition to the bail required in other cases, recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages to the leased property, resulting from waste, and intervening rent for the premises; and

such appeals shall be tried in the same manner, and further proceedings had therein, according to the practice in appeals in other cases in said court.

On the trial of said suit in the supreme court of the District, if the jury find for complainant, they shall assess the damages and intervening rent; and in case of default the same shall be assessed by the court.

The fees of the justice issuing the process and hearing the issue, and making up the record and certifying the same, and the officer for serving the process, shall be those allowed in civil causes.

Whenever any tenant shall fraudulently or clandestinely convey or carry off or from the demised premises his personal chattels, subject to execution, with intent to prevent the landlord or lessor from seizing the same under the attachment authorized to be issued for the enforcement of the landlord's lien for rent arrear, it shall be lawful for the officer executing said writ of attachment, within the space of thirty days next ensuing such conveying or carrying off, to take and seize under such attachment such personal chattels wherever the same shall be found.

But the same shall not empower such officer to seize any such personal chattels which shall have been sold bona fide and for a valuable consideration before such seizure made.

And in the execution of such attachment upon such chattels fraudulently or clandestinely removed as aforesaid, whenever the same shall be placed or kept in any building or messuage so as to prevent them from being taken under such writ, it shall be lawful for the officer executing the same, after oath made by the landlord or his agent that he verily believes that the same are therein, in the day-time, to break open and enter into such building or messuage and to take and seize the same.

TITLE II.—OF REAL ESTATE BY DESCENT, PARTITION, AND SALES BY COMMISSIONERS.

CHAPTER I.—OF TITLE TO REAL PROPERTY BY DESCENT.

1. If any person seized of an estate in lands, tenements, or hereditaments lying in this District in fee-simple, or fee-simple conditional, or of an estate in fee-tail general, shall die intestate thereof, such lands, tenements, or hereditaments shall descend in fee-simple to the kindred, male and female, of such person in the following order, to wit:

2. First to the child or children and their descendants, if any, equally.

3. If no child or descendant, and the estate descended to the intestate on the part of the father, then to the father.

4. If no father living, then to the brothers and sisters of the intestate of the blood of the father and their descendants equally.

5. If no brother or sister as aforesaid, or descendant from such brother or sister, then to the grandfather, on the part of the father.

6. If no such grandfather living, then to the descendants of such grandfather and their descendants in equal degree equally.

7. If no descendant of such grandfather, then to the father of such grandfather, and if none such living, then to the descendants of the father of such grandfather in equal degree, and so on, passing to the next lineal male paternal ancestor, and if none such, to his descendants in equal degree without end.

8. If no paternal ancestor or descendant from such ancestor, then to the mother of the intestate.

9. If no mother living, to her descendants in equal degree equally.

10. If no mother living, or descendants from such mother, then to the maternal ancestors and their descendants, in the same manner as is above directed as to the paternal ancestors and their descendants.

11. If the estate descended to the intestate on the part of the mother, and the intestate shall die without any child or descendant, then the estate shall go to the mother.

12. If no mother living, then to the brothers and sisters of the intestate of the blood of the mother and their descendants in equal degree equally.

13. If no such brother or sister, or descendant of such brother or sisser, then to the grandfather on the part of the mother.

14. If no such grandfather living, then to his descendants in equal degree equally.

15. If no such descendant of such grandfather, then to the father or such grandfather, and if none such living, then to his descendants in equal degree, and so on, passing to the next male maternal ancester, and if none such living, to his descendants in equal degree.

16. If no such maternal ancestor, or descendant from any maternal ancestor, then to the father of the intestate.

17. If no father living, to his descendants in equal degree equally.

18. If no father living, or descendant from the father, then to the paternal ancestors and their descendants, in the same manner hereinbefore directed as to the maternal ancestors.

19. If the estate shall be vested in the intestate by purchase, or shall descend to or vest in the intestate in any other manner than as herein-

before mentioned, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole blood, and their descendants in equal degree equally.

20. If no brother or sister of the whole blood, or descendant from such brother or sister, then to the brothers and sisters of the half-blood and their descendants in equal degree equally.

21. If no brother or sister of the whole or half-blood, or any descendant from such brother or sister, then to the father, and if no father living, then to the mother, and if no mother living, then to the grandfather on the part of the father, and if no such grandfather living, then to the descendants of such grandfather in equal degree equally.

22. If no such grandfather or any descendant from him, then to the grandfather on the part of the mother, and if no such grandfather, then to his descendants in equal degree equally; and so on without end, alternating the next male paternal ancestor and his descendants, and next maternal ancestor and his descendants, and giving preference to the paternal ancestor and his descendants.

23. If there be no descendants or kindred of the intestate as aforesaid, to take the estate, then the same shall go to the husband or wife, as the case may be, and if the husband or wife be dead, then to his or her kindred in the like course as if such husband or wife had survived the intestate, and then had died entitled to the estate by purchase; and if the intestate has had more husbands or wives than one, and all shall die before such intestate, then the estate shall be equally divided among the kindred of the several husbands or wives in equal degree equally.

24. But where a trustee in fee-tail or fee-simple of any lands, tenenements or hereditaments, who shall be seized of the naked legal estate therein, without having or being entitled to any beneficial interest or estate whatsoever in the said lands, tenements, and hereditaments, shall die, the said legal estate shall be deemed and taken to have descended to such person or persons as would have been the heirs of such trustee at common law.

25. No right in the inheritance shall accrue to or vest in any person other than to children of the intestate, and their descendants, unless such person is in being, and capable in law to take as heir at the time of the intestate's death, but any child or descendant of the intestate, born after death of the intestate, shall have the same right of inheritance as if born before the death of the intestate.

26. There shall be no distinction between brothers and sisters of the whole and half blood, all being desecendants of the same father, where the estate descended on the part of the father. Nor shall there be any distinction between brothers and sisters of the whole or half blood, all being descendants of the same mother, when the estate descend on the part of the mother.

27. If in the descending or collateral line any father or mother may be dead, the child or children of such father or mother shall, by representation, be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother, if living, would have been entitled to, and no more; and in such case, when there are more children than one, the share aforesaid shall be equally divided among such children: *Provided*, that there be no representation admitted among collaterals after brothers' and sisters' children.

28. Nothing herein contained shall be construed or taken to alter or in any manner change the course of descent as heretofore used and established, so as to affect the case of any entail, or limitation in tail what-

ever, made, created and in being before the first day of January, 1788, but the same shall, during the continuance of the estate in tail, or limitation in tail, and until the same may be legally destroyed or barred, descend according to the course of descent heretofore used and established; nor shall anything herein be taken or construed to interfere with or alter any limitation, grant, or gift, by devise, conveyance or otherwise, to special or particular heirs in a different course of descent from what is by this article specified, but in such cases the descent shall be according to the limitation or form of the gift, devise, or grant, until the entail shall be legally barred or destroyed; nor shall this chapter, or anything therein contained, be taken or construed to bar or affect any widow's legal right in her husband's estate.

29. If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgement, be hereby legitimated, and capable in law to inherit and transmit inheritance as if born in wedlock.

30. The illegitimate child or children of any female, and the issue of any such illegitimate child or children, shall be able and capable in law to take and inherit both real and personal estate from their mother, or from each other, or from the descendants of each other, as the case may be, in like manner as if born in wedlock.

31. Any child or children of the intestate, or their issue, having received from the intestate any real estate by way of advancement, may elect to come into partition with the other parceners on bringing such advancement, or the value thereof at the time such advancement was received, into hotchpot with the estate descended, but such child or children, or their issue, shall not be entitled to claim a share by descent, without bringing such advancement, or the value thereof as aforesaid, into the common stock or hotchpot, if there be another child or children unprovided for.

CHAPTER II.—PARTITION AND ELECTION.

1. If the parties entitled, whether by descent or purchase, to any lands or tenements in this District, or any right, interest, or estate therein, either legal or equitable, cannot agree upon a division thereof, or if any person entitled as aforesaid be a minor or insane, an application may be made to the supreme court of said District, which shall appoint and issue a commission to three discreet, sensible men, to be commissioners, authorizing and empowering them, or a majority of them to proceed in the premises according to the directions of this chapter and in all respects conform to and comply with the provisions hereof, and the said commissioners, or a majority of them, before they proceed to act, shall severally take an oath (to be annexed to the said commission) before some justice of the peace, or other person authorized to administer an oath, well and faithfully to perform the duties required of them by the commission, and all duties assigned to them under this chapter, and that they will proceed in the execution and completion of the said commission, without favor, partiality, or prejudice, and according to the best of their judgment and understanding.

2. Whenever a majority of the commissioners to be appointed in virtue of this chapter shall qualify, they may proceed in the execution of the same, in the same manner as they may do when the whole commissioners qualify as aforesaid.

3 In the execution of this commission, and before any proceeding is had by the commissioners, they, or a majority of them, shall cause notice to be given to all parties concerned, either personally or by publication to be made in such newspaper or newspapers, to be designated by the court, as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for three weeks.

4. If any minor shall be interested who has not a guardian, then the court from which the commission issues shall appoint a guardian for the purpose.

5. In cases where a commission may issue from the court to make partition of an estate, and any of the parties interested reside out of this District, the commissioners, or a majority of them, before they proceed in execution of said commission, shall cause notice thereof to be given by publication as aforesaid, and not less than once a week for six weeks.

6. In all cases where by this chapter any notice or publication is required, a statement made in the proceedings that due notice according to law has been given, or to that effect, shall be "prima facie" evidence that notice was given according to law.

7. The said commissioners, or a majority of them, shall adjudge and determine whether the estate will admit of being divided without injury and loss to all the parties entitled, and ascertain the value of such estate in current money, taking into consideration any incumbrance thereon, and ascertain the value of the estate subject to the incumbrance; and if the estate can, in the opinion and judgment of the commissioners, or a majority of them, be divided without loss and injury to all parties entitled, then they shall divide and make partition of the same, fairly and equally in value, between all the parties interested, according to their several just proportions.

8. If the estate cannot be divided equally and fairly between all the parties interested, according to their several just proportions, then the commissioners, or a majority of them, shall have power to divide the estate into as many parts as it is susceptible of, without loss and injury to all the parties entitled, and to ascertain the value of each part of such estate in current money, subject to any incumbrance thereon.

9. If the commissioners, or a majority of them, shall determine that the land or estate can be divided in either of the ways hereinbefore mentioned, without loss or injury to all the parties, they shall cause the lands to be surveyed and laid out by any surveyor, or such other person as they may think qualified, for the several parties, in case the estate consists of lands; and if the estate shall be equally divided between all the parties interested according to their several just proportions, then the commissioners, or a majority of them, shall allot to the several parties their respective shares of the said land, and in case the estate shall consist of houses, the commissioners, or a majority of them, shall make allotment and partition between the parties.

10. If the estate cannot be divided into as many parts as there are persons interested, but may be divided into a greater or less number of parts, and the judgment of the commissioners shall be confirmed by the court, the right of election to take the several parts into which the estate may have been divided shall be according to the rules herein mentioned.

11. The commissioners appointed as aforesaid, or a majority of them, after having made partition or allotment in manner aforesaid, shall return their proceedings to the next term of the court, and the same

shall be ratified or rejected as justice shall dictate, and if ratified, and no appeal by either party, the partition made as aforesaid shall be recorded, and remain and be binding, and if rejected, a new partition shall be made and returned as aforesaid, and either party may appeal from the judgment of the court to the court in general term.

12. If the estate consist of things indivisible in their nature, then the commissioners, or a majority of them, shall proceed to appraise and value the said estate, and make return thereof to the court as hereinbefore directed, and if the judgment of the commissioners shall be confirmed by the court, then the person or persons entitled under this chapter to elect to take other estates at the valuation of the commissioners, shall have the same election as it respects the estate provided for in this section.

13. If the said commissioners, or a majority of them, shall determine that the estate cannot be divided without loss and injury to all the parties, they shall make returns to the court of their judgment, and the reasons upon which the same is formed, and the real value of the estate in current money, subject to the incumbrance, if any thereon; and if the judgment of the commissioners shall be confirmed by the court, then in the said court and before the expiration of the term next succeeding that in which the return of the commissioners shall have been confirmed, the eldest son, child or person entitled, if of age, shall have election to take the whole estate, and pay to the others their just proportions the value in money.

14. If the eldest child, or person entitled, refuses to take the estate, and pay to the others money for their proportions, then the next eldest child, or person entitled, being of age, shall have the same election, and so on to the youngest child, or person entitled.

15. In all cases where a person is entitled by purchase or otherwise to the undivided estate of an heir to a person dying intestate, and any such person cannot agree with the other heirs or persons entitled upon a division, or in case any party entitled is an infant, or non compos mentis, then any such person shall have the right to proceed under this chapter, and the same right of election as the heir would have had under whom he claims.

16. If any person entitled to make election to take the estate shall be absent from the District or not residing therein at the time when such election ought to be made, and shall not appear in court and elect or refuse to elect to take the said estate, or any part thereof, as the case may be, the court shall pass an order, to be published in some convenient newspaper at least four weeks successively, giving notice of the return and confirmation of the commission, and appointing some day in the term next succeeding that in which the said order shall be passed, for such absent person to appear in court and make his election as aforesaid; and on proof being made to the satisfaction of the court of the due publication as aforesaid, and on the non-appearance of the person so absent, it shall be lawful for the person next entitled to come in and make election, in the same manner as if the person so absent had appeared and refused to take the estate.

17. Proof of notice by publication under this chapter may be by affidavit of the publisher, editor, proprietor, or any other person having knowledge of the fact, not a party to the suit or proceedings, accompanied by a copy of the publication; which affidavit shall state how many and at what time said publication was inserted in the paper.

18. If any person entitled to make election as aforesaid shall be "non compos mentis," or otherwise disqualified to declare his intention, in

such case the person next entitled shall be authorized to make his election, in the same manner as if the person disqualified had refused to make election.

19. In case the eldest male shall not be of age to make his election, it shall be lawful for the eldest female, if of the age of eighteen years, to elect to take the lands at the valuation of the commissioners, notwithstanding the existence of any male minor.

20. Every person entitled to elect or refuse to take the whole or any part of any estate at the value ascertained and returned by the commissioners, may make such election or refusal in writing, to be signed by such person in the presence of one or more witnesses, who shall attest the same in writing; and such written election or refusal, when filed with the clerk among the proceedings in the case, shall have the same effect and validity as if such person had made his election or refusal in open court.

21. The person making an election to take the estate, or any part thereof, at the valuation of the commissioners, at the time of making the election, shall give bond or bonds with two or more sufficient sureties, to be approved by the court in which the proceedings may be had, to the other person or persons entitled to said estate, for their several proportions of the sum of money at which said estate is valued, which bonds shall bear interest from the date of the said election, and shall be made payable in such installments as the court shall direct; and such bonds shall be and remain a lien on the lands for the purchase of which they were given until the said bonds shall be wholly paid.

CHAPTER III.—SALES BY COMMISSIONERS.

1. If all the persons entitled to elect to take the estate, or any part thereof, at the valuation, shall refuse, then the estate, or such part as the parties may not elect to take, shall be sold by the said commissioners, or a majority of them, for money or upon credit, and in the manner and agreeably to the terms and conditions which the court from which the commission issued shall prescribe and direct; and no sale so to be made shall be valid until ratified by the said court, and the purchase-money shall be justly divided among the several persons interested, according to their respective titles to the estate.

2. When the estate shall be sold on a credit, bonds or notes shall be taken for the purchase-money from the purchaser or purchasers, by the commissioners, with security, and made payable to each party, respectively, according to his proportional part of the net amount of sales, with interest thereon from the day of sale, and in such installments as the court shall direct; which bonds or notes shall remain and be a lien on the lands for the purchase of which they were given, until the same shall be paid.

3. It shall not be necessary, if the court shall deem it to be the interest of all persons concerned, for the purchaser of any part of the real estate which may be sold by commissioners, or where any one or more of the parties shall elect to take the same, or any part thereof, at the valuation made by commissioners, to give bond to each of the parties interested; but such purchaser or person who may elect to take such real estate, or any part thereof, may give bond to the United States in such penalty and with such sureties as the court shall direct and approve, conditioned for the payment of the amount of the valuation or

purchase-money, (as the case may be,) to the parties interested, in such proportions as each may be entitled to, agreeably to the order of the court; which bond shall be and remain a lien on the said real estate until the money intended to be secured thereby shall be wholly paid, and the said bond shall be recorded among the records of the court from which the commission may have issued; and upon such bond, or any office copy thereof, suit or suits may be instituted against the obligors therein, or any of them, for any breach of the condition thereof, by any person interested therein.

4. In all cases in which commissioners appointed under this chapter shall be ordered by the court to make sale of real estate, and in accordance with said order shall offer said real estate at public auction, and the same shall be bid off by some purchaser, who shall refuse or neglect to comply with the terms of sale, he shall, on motion in the proper court, to be made by any party interested, five days' notice being given, be liable to a judgment for the amount of the purchase-money, and damages not exceeding ten per cent., and interest, as a penalty, with costs; or the commissioners may re-expose and sell the property on the same or any subsequent day; and if the amount brought at the second sale shall not equal that of the first sale and the costs of the second sale, the first purchaser shall be liable for the deficiency, and damages thereon not exceeding ten per cent., and interest, as a penalty, and costs, to be recovered by a like notice and motion as before provided; and the provisions of this section shall apply to any number of sales and purchasers: *Provided*, a memorandum be made and signed by the auctioneer at the time of sale, in writing, containing the names of the parties, and the amount and terms of sale.

5. Whenever any person shall be entitled as husband or wife to any part of real estate, and the commissioners appointed in virtue of this chapter shall determine that the estate will admit of division, then the said commissioners shall lay off the part or portion of such husband or wife in and to the said estate, before they shall proceed to divide or value the same; and the same commissioners shall make the ascertainment and location of such part or portion a part of their return to their commission, and the court shall determine thereon, and confirm or reject the same, as in other cases.

6. Whenever any person shall become entitled as husband or wife, and the commissioners shall determine and so certify to the court that the estate cannot be divided without loss and injury to all the parties entitled, and the return of the said commissioners shall be confirmed by the court, and the persons entitled to elect to take the said estate at the valuation made by the commissioners shall all refuse, then the estate shall be sold by the said commissioners agreeably to the terms prescribed to them, disencumbered of such right of husband or wife; and the court shall award to either such proportion of the purchase-money as the said court shall think just and equitable, in lieu of such right, and in decreeing such proportion of the said purchase-money the court shall be directed by the age, health, and condition of such husband or wife; and such award of payment shall be sufficient to bar either from all and every right or title as aforesaid.

7. Whenever any person may be entitled, as husband or wife, to an undivided part of the real estate of an intestate, and the commissioners shall determine and so certify to the court in their return, that the said estate cannot be divided without loss and injury to all the parties concerned, the court shall proceed to award to such husband or wife such sum of money as the court shall think just and equitable in lieu of their

rights, and in decreeing such value to them the court shall be directed by their age, health, and condition; and such award of value shall be sufficient to bar such right to the lands and tenements of such intestate; and the person making the election to take the estate at the valuation of the commissioners, shall hold the estate disencumbered by any such right.

8. If any person shall become entitled, as husband or wife, to an undivided part of the real estate of an intestate, after the return of the commissioners, and before the sale or division thereof, the court shall order that the commissioners shall alter or change their return; and the commissioners shall, upon the service of the said order, proceed to alter their return in such manner as that said husband or wife shall come in for his or her proportionable share of the intestate's estate, with those who by law may be entitled to take as heirs of the intestate.

9. Where any person is entitled by deed or devise to a life estate in an undivided part of the real estate of an intestate, the same proceedings shall be had as are directed by this chapter with regard to the aforesaid rights of husband and wife; and where any person is entitled by deed or devise to the remainder after such life estate, the same proceedings shall be had as are directed by this chapter, where a person is entitled to an undivided part of an intestate's estate, subject to said rights.

10. In case of sale of real estate by the commissioners, if the widow or widower will consent to the sale, he or she shall signify and subscribe his or her consent in writing, and the same shall be filed with the clerk of the court, and thereupon the said commissioners shall proceed to sell the whole real estate agreeably to the terms prescribed to them, disencumbered by said widow or widower's right, and the court shall award to them such proportion of the purchase-money as shall be just and equitable, according to their age, health, and condition, and such award of payment shall be a sufficient bar to all right which such widow or widower may claim in said lands.

11. The court shall allow to each commissioner for every day he shall necessarily attend in the execution of such commission a sum not exceeding five dollars per day; and to the surveyor employed by them (when necessary) a sum not exceeding ten dollars per day for himself and chain-carriers, and such other expenses as they may deem reasonable and proper; all which allowances and expenses, together with the fees on the issuing and return of such commission, shall be paid by the parties applying for the commission, when the lands or estate are divided, or by the party making his election to take the estate; and such party may charge the other parties with their respective proportions of the whole sum so paid, and each other party or his guardian shall be obliged to repay or allow him his part thereof, respectively; and in case the lands or estate shall be sold by the commissioners, they shall then pay, out of the money arising from the sale, the whole of the expenses attending the execution of their commission, to be allowed as above by the court.

12. In all cases where an election shall be made by any person under and in virtue of this chapter, and the valuation of the land has been paid to the party entitled, by the person so electing, the commissioners, or a majority of them, or the survivors or survivor of them, shall, under the direction of the court to which the return or returns shall have been made, make and execute to the person so electing, at his expense, a good and valid deed in fee-simple.

13. In all cases of sale made by the commissioners, or a majority of

them, after the same shall be ratified by the court, and the terms of sale shall have been complied with by the purchaser or purchasers paying the purchase-money agreeably to the terms of sale, it shall then be the duty of the commissioners, or a majority of them, or the survivors or survivor of them, to convey to the purchaser or purchasers, by deed duly executed and acknowledged according to law, all the right, title, claim, interest, and estate to the lands and premises sold by them in virtue of their commission, and every such deed shall be recorded in the time limited by law.

14. Whenever any estate shall be sold, and the purchaser shall die, or shall assign his equitable interest therein before any deed shall be executed for the estate sold, then, and in that case, the court, on the application of the heir, devisee, or assignee of such purchaser, and being satisfied that the purchase-money has been fully paid agreeably to the terms of sale, shall order and direct the commissioners who shall have made such sale, or a majority of them, or the survivors or survivor of them, to execute and deliver to such heir, devisee, or assignee, a deed for the said estate, in the same manner as is hereinbefore provided for respecting deeds to be executed to purchasers.

15. In case of the death, inability, refusal to act, or the removal out of the District of the commissioners, or any of them, without having performed the duties prescribed by such commission, it shall be the duty of the court issuing the commission, on the application of any person interested, to appoint as many commissioners as will fill such vacancies; and such new commissioners shall, in connection with the remaining commissioners, if any be remaining, and if none remaining, then the new commissioners shall execute the commission in the same manner as if they had been originally named therein.

16. In all cases where land has been sold by commissioners, or where any person has elected to take land at the valuation thereof, the court issuing the commission, upon being satisfied that the purchase-money for said land has been paid or brought into court to be paid to the person or persons entitled to the same, may, upon the application of the purchaser or person electing to take, or any other person who may have become entitled to said land in any manner, order a deed of conveyance to be made to such purchaser or person entitled, and also appoint one of said commissioners, or in case of the death or absence of all of them, some other person to execute such deed; and such deed, when so executed by such commissioner or other person, and recorded as deeds are required by law to be executed and recorded, shall vest in the person to whom the same may be made the legal title to said lands.

17. No proceedings of any commissioners under this chapter shall be set aside for matter of form.

18. When a suit is instituted for the sale of real or personal property, or where from the nature of the case a sale is the proper mode of relief, the court, in its discretion, may order a sale of the property before final decree, if satisfied clearly, by proof, that at the final hearing a sale would be decreed, and may order the money arising from such sale to be deposited or invested, to be distributed as the court shall direct by its final decree.

19. The provisions of this chapter shall apply to cases where all the parties are of full age; where all are infants; where some are of full age and some infants; where some or all are insane; and where any or all are non-resident. And any party, whether of full age, infant, or insane, may file a bill or petition under this chapter; an infant by guardian or next friend, and an insane person by a committee or trustee.

TITLE III.—OF WILLS AND TESTAMENTARY LAW.

CHAPTER I.—WILLS.

All real estate, except estates tail, which might pass by deed, or which would, in the event of the proprietor dying intestate, descend to his heirs or devolve on his other representatives, may be disposed of by will, under the following restrictions:

No will, testament, or codicil shall be effectual to create any interest or perpetuity, or make any limitation, or appoint any uses not now permitted by law, or by these revised laws.

No will, testament, or codicil shall be good and effectual for any purpose whatsoever, unless the person making the same be at the time of executing or acknowledging it as hereafter directed, of sound and disposing mind, and capable of executing a valid deed or contract. No will, testament, or codicil shall be good and effectual to pass any interest or estate in any land, tenement, or incorporeal hereditament, unless the person making the same, if a male, be of the full age of twenty-one years, and if a female, of the full age of eighteen years.

No will shall be valid unless it shall be in writing and executed in the manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary. Any will, however, written entirely in the handwriting of the testator, and signed at the foot or end thereof by him, shall be good and valid without any witnesses to the same.

No appointment made by will, in exercise of any power, shall be valid unless the same be executed in the manner hereinbefore required; and every will executed in the manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

If any person, who shall attest the execution of a will, shall, at any time afterward, become incompetent to be admitted a witness to prove the execution thereof, such will shall not, on that account, be invalid.

Every will made by a man or woman shall be revoked by his or her marriage, except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not, in default of such appointment, pass to his or her heir, executor, administrator, or the person entitled as his or her next of kin, under the chapter of distributions.

No devise in writing of lands, tenements, or hereditaments, or any clause thereof, shall be revocable otherwise than by some other will or codicil in writing, or other writing declaring the same, or burning, canceling, tearing, or obliterating the same by the testator himself, or in his presence and by his directions and consent; but all devises and be-

quests of lands and tenements shall remain and continue in force until the same be burned, canceled, torn, or obliterated by the testator or his directions in manner aforesaid, or unless the same be altered by some other will or codicil in writing, or other writing of the devisor, signed in the presence of two or more witnesses, declaring the same.

No will in writing concerning any goods or chattels, or personal estate, shall be repealed, nor shall any clause, devise, or bequest therein be altered or changed by word of mouth only, except the same be in the life-time of the testator committed to writing, and after the writing thereof read unto the testator and allowed by him, and proved to be so done by two witnesses at the least.

No devise, legacy, or bequest shall lapse or fail of taking effect by reason of the death of any devisee or legatee, (actually and specially named as devisee or legatee, or who is or shall be mentioned, described, or in any manner referred to, or designated or identified as devisee or legatee in any will, testament, or codicil,) in the life-time of the testator; but every such devise, legacy, or bequest shall have the same effect and operation in law to transfer the right, estate, and interest in the property mentioned in such devise or bequest, as if such devisee or legatee had survived the testator.

In every will whereby any lands or real property shall be devised to any person, and no words of perpetuity or limitation are used in such devise, the devisee shall take under and by virtue of such devise the entire and absolute estate and interest of the testator in such lands or real property, unless it shall appear, by devise over or by words of limitation or otherwise, that the testator intended to devise a less estate and interest.

No nuncupative will shall be allowed by law, except those made by a soldier in actual military service, or a mariner at sea, who may make nuncupative wills.

No donatio mortis causa shall be valid or of any effect when the property delivered exceeds in value the sum of five hundred dollars.

Any estate, right, or interest in lands acquired by the testator after making his will, shall pass thereby in like manner as if possessed at the time of making the will, if such clearly and manifestly appears by the will to have been the intention of the testator.

Probate of wills may be made in the following manner, that is to say:

The court is authorized to take the probate of any will, testament, or codicil, whether the same has relation to real or personal estate, or to both real and personal estate, and the same shall be thereupon recorded by the register of wills, which record shall be prima-facie proof of the said will, testament, or codicil, in all actions and proceedings whatsoever.

It shall be lawful for any private person, in whose possession or custody a will or codicil shall be, after the death of the testator, to open and read the same in the presence of any near relations of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter to deliver the same to the register of wills, whose duty it shall be to keep the same safe, until proceedings may be had for the probate thereof in his office, or until it be demanded by an executor or other person authorized to demand it, for the purpose of having it proved according to law.

If any private person in whose possession or custody a will or codicil shall be after the death of the testator, shall willfully neglect to deliver the same to the register of wills of the District of Columbia, where it is proper to prove the same, or to some executor named in the will, for

the space of three calendar months after the death of the testator shall be known to him, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be subject to fine or imprisonment, or both, in the discretion of the court.

If any will or codicil be exhibited for proof to any justice at chambers in the recess of the court, and any of the next relations of the deceased shall attend, and make no objections, or enter no caveat, or if it shall appear that reasonable notice of the time of exhibiting the same has been given to such of the next relations as might conveniently be therewith served, and no person shall object or enter a caveat, the justice shall proceed to take the probate thereof.

If any such will be exhibited for probate to said court, and any of the next relations of the deceased shall attend, or if notice shall appear to have been given, as aforesaid, and no caveat shall have been made against the same, the said court may forthwith proceed to take probate thereof.

If any will or codicil be exhibited to the court, and none of the near relations of the deceased shall attend, and no notice shall appear to have been given, the court may either direct summons to the said near relations, or some one or more of them, to appear on some fixed day to show cause wherefor the same should not be proved, or direct such notice to be given in the public papers or otherwise, as it may think proper; and if no objection shall be made or caveat entered on or before the day fixed, the court, or a justice of chambers, in its recess, may take the probate of such will; but if objection shall be made on or before the day appointed, the said court shall have cognizance of the affair, and shall determine according to the testimony produced on both sides.

If any person shall enter a caveat against such will or codicil, either before or after it shall be exhibited to the court, or justice at chambers, the said caveat shall be decided by the court. If any person shall enter a caveat against any will or codicil of which probate shall have been taken as aforesaid, no letters testamentary shall be granted until a determination shall be had in said court.

If no objections shall be made to the probate of a will or codicil, or no caveat shall be filed against the same before probate, it shall not be necessary to examine all the witnesses in case the will passes personal property only, unless they shall voluntarily attend; but probate may be taken on such proof as shall be sufficient to give efficacy to a will or codicil for passing personal property: *Provided*, That every executor or other person exhibiting a will shall be examined on oath whether or not he knows of any other will or codicil, and in what manner the will or codicil exhibited came to his hands.

If the probate of any will or codicil be taken as aforesaid without contest, any person, before letters testamentary or of administration, with a copy of the will, shall be actually granted, may file a petition to the court praying that the case may be again examined and heard; and thereupon the court shall delay the granting of letters until a decision shall be had on the petition; and in case the letters shall have been granted, and any person shall file such petition, and the court on hearing both sides—that is to say, the petitioner and the grantee of such letters—shall decide against the probate, the letters aforesaid shall be revoked, and the power of the party under the letters shall cease; and the said will shall not be proved, unless the decision be reversed on appeal.

No nuncupative will shall be proved within fourteen days after the

death of the testator, unless the widow or widower, (if any,) and some one of the next of kin, have been summoned to contest the same, if they please.

A copy of the record of any will which the laws of the State or country where the same may be executed require to be recorded or registered, and which has been recorded or registered agreeably to such laws, under the hand of the keeper of such record or register, and the seal of the court or office in which such record or register has been made, or a copy of any will lodged for safe-keeping in any office or court, agreeably to the laws of the State or country as aforesaid, and certified as aforesaid, shall be good and sufficient evidence in any court in this District to prove such will. Where any will has been or shall be executed in any of the United States, or in any foreign country, and to give validity to which recording or registering is not or shall not be made necessary, proof to the execution thereof by the oath of the subscribing witnesses to the same, or any of them, taken before any court, judge or justice, or other officer of the State or county where such will has been or may be executed, having by law authority to administer an oath, and a certificate under seal from the governor, chief magistrate, or a notary public of such State or country, that the court or officer before whom such oath shall be taken has authority to administer the same, and that such oath has been duly made before such court, judge, justice, or officer, shall be good and sufficient evidence in any court in this District to prove such will.

An attested copy under seal of office of any will recorded in any office authorized to record the same shall be admitted as evidence in any court of law or equity: *Provided*, That the execution of the original will be subject to be contested until a probate has been had, according to the laws of this District.

If any of the witnesses to any will have died or shall die before the execution thereof shall be proved as aforesaid, then proof by a credible witness to the handwriting of the testator, or the handwriting of the subscribing witnesses to the same, or any of them, taken and certified as aforesaid, shall be good evidence for the purpose aforesaid; but nothing herein contained shall be construed to alter the laws of this District in relation to the execution of wills.

Any person who may be interested in any devise or bequest of any property within the limits of this District, or that may be brought into this District after the bequest contained in any will made in any State or Territory, may procure a copy of said will and probate, authenticated in the mode and by the officer authorized by the laws of such State or Territory, and file the same in the office of the register of wills; and thereupon it shall be the duty of the said register to record the same as other wills admitted to probate in his office; and a copy of said record of said will and probate, under the hand of said register and the seal of his office, shall be evidence in all suits and actions at law and in equity in any court in this District wherein the title of any property, real or personal, thereby devised or given shall be in question, with the same force and effect as if the original will had been admitted to probate in this District according to the laws thereof.

Every will or authenticated copy admitted to probate shall be retained and preserved in the office of the register of wills.

When a person devises lands of which he is not then seized, but to or for which he has any right of entry, or when after making a devise the devisor is disseized or ousted of the devised premises, they shall nevertheless pass to the devisee in like manner as they would have descended

to the heirs of the devisor if he had died intestate; and the devisee shall have the like remedy for the recovery thereof, either by entry or by action, as the heirs might have had.

All beneficial devises, legacies, and gifts, made or given in any will to a subscribing witness thereto, shall be wholly void, unless there are two other competent subscribing witnesses to the same; but a mere charge on the lands of the devisor for the payment of debts shall not prevent his creditors from being competent witnesses to his will.

Nothing in this title shall be construed to affect the general superintending chancery power exercised by said court with respect to trust.

CHAPTER II.—ACCOUNT.

1. Every administrator shall render to the court in which he shall have obtained letters of administration, within the period of twelve months from the date of such letters, the first account of his administration.

2. If the first account shall not show the estate which was on hand to be fully administered, another account shall be returned within six months thereafter, and within every term of six months thereafter an account shall be returned, until the estate shall appear to be fully administered; and whenever a discovery or receipt of assets shall take place after rendering an account, another account shall be rendered within six months thereafter; but an administrator shall not be obliged to render accounts when it appears to the court that the estate has been fully administered, except as to debts which the court shall deem desperate.

3. If an administrator shall fail to return an account as before directed within the time limited by law, or within such further time as said court shall allow, not exceeding six months, his letters, on application of any person interested, may be revoked, and administration may be granted at the discretion of the court; and the administrator to whom letters may be granted shall be entitled to put the delinquent's bond in suit, and to recover such damages thereon as the jury may find; and in assessing such damage, the jury shall allow such sum as will be equal to six per centum per annum, on the amount of the inventory or inventories, from the time of the return or returns to the time of the verdict over and beyond the damages, for such loss or injury as the estate may have sustained by the delinquent's conduct.

4. In such account shall be stated on one side the assets which have come to his hands, according to the inventory or inventories returned to the court or received and appraised as herein directed, after the inventory or inventories returned, and including therein the interest that may have been received on sales made under the authority of the court, that is to say, the inventory or inventories are to show the articles of the estate, and the sales, the amount of their value, where they have been sold, and for articles so sold he shall be charged the price according to the return; and if any articles have been sold for credit, and not yet paid for, it shall be accounted for in a subsequent account; and all moneys received for debts due the decedent, shall be included in said account.

5. On the other side shall be stated the disbursements by him made, viz: 1. Funeral expenses to be allowed at the discretion of the court, according to the condition and circumstances of the deceased. 2. The

debts of the deceased proved or passed as herein directed, and paid or retained. 3. The allowance for things lost, or which have perished without the party's fault, which allowance shall be according to the appraisement. 4. His commissions, which shall be at the discretion of the court, not under five per centum nor exceeding ten per centum on the amount of the inventory or inventories, excluding what is lost or perished. 5. His allowance for costs and extraordinary expenses (not personal) which the court may think proper to allow, laid out in the recovery or security of any part of the estate; and the court may also allow him credit for any live stock killed for the necessary use of the family before a sale.

6. If anything be bequeathed to an executor by way of compensation, no allowance of commissions shall be made unless the said compensation shall appear to the court to be insufficient; and if so, it shall be reckoned in the commission to be allowed by the court.

7. Said court is hereby authorized, wherever it is satisfied that an agent has been employed in the administration of an estate, to examine such agent, on oath, of all proceedings which may have taken place relative to the administration of the estate in which such agent may have been employed, in like manner as it is authorized to examine administrators.

8. Every administrator may, within one year after the date of his letters, return to said court a list of the debts due from his decedent, which may be made known to him, stating the principal and the time at which interest is to commence on each respective debt, to which list of debts shall be annexed the oath of the administrator that the same is a correct list of the debts due from his decedent, so far as the said debts have come to his knowledge; and every six months thereafter, until the estate may be finally settled, a similar return may be made of such debts as shall come to the knowledge of the administrator within that period; which list of debts shall be recorded by the register of wills, and a copy thereof, certified under the hand of the register and the seal of his office, shall be prima-facie evidence of the amount of debts due by the decedent in any court where the administrator alleges that he has not assets sufficient to discharge the claim in controversy, or any part thereof.

9. Such lists shall not afford any evidence of the justice or correctness of any claim therein, when controverted by the administrator in any suit instituted for the recovery of such debt; nor shall the same be construed to take any debt out of the operation of any plea of limitation.

10. Whenever, under the provisions of a will, it shall be necessary for an executor, or an administrator cum testamento annexo, to retain in his hands the personal estate, or any part thereof, after all just claims are discharged, as where money, or some other thing, is directed to be paid at a distant period, or upon a contingency, said court shall have the power, on the application of such executor or administrator, or of a party interested, to decree or give directions thereto; and it shall be the duty of such executor or administrator to apply to said court, which shall have full power to decree or direct what part of the personal estate shall be retained or appropriated for the purpose, and in what manner it shall be disposed of, and the legacy or benefit intended by the will shall be secured to the person to be entitled at a future period or contingency, and how the necessary part of the personal estate to be appropriated for the purpose shall be prevented from lying dead, or being unproductive, and how it shall be applied, agreeably to the intent of the will or the construction of law, in case the contingency shall not take place.

11. The administrator of a deceased administrator who shall die be-

fore an account of his administration has been rendered, shall render an account showing the amount of the assets received, and the payments made by his decedent, and the account shall, if found by the court to be correct, be admitted to record as other administration account.

12. The husband of an administratrix who shall die before a final account of her administration shall have been settled, shall render such account, showing thereby the amount of money and property received, and of payments and disbursements made by such administratrix, or that may have been received or paid by him, and not before accounted for with the court, and the account so rendered shall, if found by the court to be correct, be admitted to record as other administration accounts, in cases where the administratrix rendered them in person; and in case of refusal of the husband to render such account, the court may proceed against him by attachment, and may commit him until he shall render such account.

13. Said court shall have power to make allowance to any administrator or collector for property of the decedent which has perished or been lost without the fault of the party; and no profit shall be made, and no loss sustained, by an administrator in the increase or decrease of the estate under his management; but the administrator shall return an inventory, and account for such increase, and may be allowed for such decrease on the settlement of the final or other account.

CHAPTER III.—ADMINISTRATION BY AN EXECUTOR.

1. When any will or codicil shall have been authenticated, or proved as herein directed, before said court, letters testamentary may forthwith be committed to the executor or executors named in said will or codicil: *Provided*, The said executor, or each of the executors, shall execute a bond to the United States, with two good securities, approved by said court, and in such penalty as the said court may require, conditioned for the faithful performance of the trust in him reposed as executor, to be lodged and recorded in the said register's office, and subject to be put in suit as hereinafter mentioned.

2. In case the said executor shall not have been present at the authentication or probate, but shall have been within this District, a summons may issue against him either at the instance of a person interested, or ex officio by said court, returnable not less than twenty nor more than sixty days from date; and if the summons shall be returned "summoned" and the executor shall not appear accordingly, or appearing, shall not within twenty days thereafter file a bond as aforesaid, or if two such summonses shall be returned "non est," and the party shall not appear according to the tenor of the second summons, or appearing, shall not within twenty days thereafter file a bond as aforesaid, letters of administration may be granted as aforesaid: *Provided, nevertheless*, That in case of sickness of or accident to such executor, or reasonable excuse made in his behalf, the court may at discretion allow a further time, not exceeding forty days after such return or appearance, for filing such bond.

3. If the sole executor be out of said District at the time of authentication or probate, and shall not within six months thereafter return and file a bond as aforesaid, letters of administration may be granted as aforesaid; but in case the said executor be out of said District, and shall return at any time before the expiration of the said six months, there may

be a summons and the same proceedings thereon as if he had been in said District at the time of the authentication or probate; and upon the said proceedings letters of administration may be granted before the expiration of six months. But it shall not be held necessary to proceed by summons as aforesaid, in case the party be as aforesaid out of said District at the time of the authentication or probate, and shall return as aforesaid; but letters of administration after the expiration of the said six months may be granted without such proceeding, by summons against the executor so returning.

4. If there shall be more than one executor named in a will, there may be the same proceedings with respect to each of them as if he were the only executor named; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting letters testamentary to one or more of the executors, on failure of one or more of the rest; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting of such letters of administration on failure of all the executors; and in no case where there are several executors named in a will shall letters testamentary be granted to one only, or to any number of them less than the whole, or shall letters of administration be granted until there shall be such proceedings against each of them failing as would authorize the issuing letters of administration in case of the failure of a sole-named executor.

5. If any executor named in a will shall file or transmit to said court an attested renunciation in writing of his trust, there may be the same proceedings with respect to granting letters testamentary or of administration as if the party so renouncing had not been named in the will: *Provided, nevertheless*, That any executor named in a will shall be entitled, notwithstanding any failure or renunciation as aforesaid, on filing a bond as aforesaid, before letters testamentary or of administration shall actually be committed to another or others as aforesaid, to have letters testamentary granted to him, or to be included therein, as the case may require.

6. In case letters testamentary shall be granted to one or more of the executors named in a will on failure of the rest, no executor not named in said letters shall in any manner interfere with the administration, or have any greater interest in the estate of the deceased than if he had not been named in the will as executor; and if letters of administration, with a copy of the will annexed, shall be granted, no executor therein named shall in any manner interfere further with the administration, or have any greater interest in the estate than if he had not been named as aforesaid; and no executor named in a will shall, before letters testamentary be granted to him, have any power to dispose of any part of the estate of the deceased, or to interfere therewith further than is necessary to collect and preserve the same; but any act of an executor named in a will done before obtaining letters testamentary shall, in case he shall afterward obtain such letters, be as valid and effectual as if the said act had been done after obtaining such letters; and in case of a suit commenced by such executor, it shall be sufficient to produce the said letters, or a certificate under the seal of the office where they were obtained, that they have been granted to the party at any time before the trial or final hearing on such suit; and in any case whatever, where an exhibit of such letters testamentary or of administration would be good or available, a certificate as aforesaid shall also be good and available.

7. The condition of the bond given by an executor or administrator,

shall be as follows: The condition of the above obligation is such, that if the above-bounden ——— shall well and truly perform the office of executor of ———, late of ———, deceased, according to law, and shall in all respects discharge the duties of him required by law as executor aforesaid, without any injury or damage to any person interested in the faithful performance of the said office, then the above obligation shall be void; it is otherwise to be in full force and virtue in law.

8. Every executor or administrator, after filing his bond, and before letters shall be committed to him, shall be required to take the following oath, to be administered by one of the justices of said court or the register of wills: "I, ———, do swear that I will well and truly administer the goods, chattels, personal estate, and credits of ———, late of ———, deceased, to the best of my knowledge, according to law; and will give a just account of my administration when thereto I shall be lawfully called."

9. The following shall be the form of letters testamentary:

The President of the United States to all persons to whom these presents shall come, greeting:

Know ye that the last will and testament of ——— ———, of ———, deceased, hath been in due form of law exhibited, proved, and recorded in the office of the register of wills for the District of Columbia, a copy of which is to these presents annexed, and administration of all the goods, chattels, and credits of the said deceased is hereby granted and committed unto ——— ———, the executor by the said will appointed.

Witness ——— ———, chief justice of the supreme court of the District of Columbia, this —— day of ———.

Teste: ——— ———, register of wills for said District.

10. If any person named as executor in a will shall be at the time when administration ought to be granted under the age of eighteen years or of unsound mind, incapable according to law of making a contract, or convict of any crime rendering him infamous according to law; or if any person named as executor shall not be a citizen of the United States, letters testamentary or of administration (as the case may require) may be granted in the same manner as if such person had not been named in the will.

11. No question respecting infamy, citizenship, or competent age, shall be determined by said court without summoning the person so named in the will and alleged to be infamous, alien, or under age, provided he be within said District, or without giving such notice by advertisement or otherwise as the court shall direct, (in case he be out of said District,) and hearing in case the party shall attend agreeably to summons or notice.

12. A transcript of the record of conviction shall be evidence in said court to prove the party infamous.

13. When any person so named as an executor in a will shall be alleged to be an alien or not a citizen of the United States, his citizenship shall not be established otherwise than by a certificate under the seal of the office or court where the party became naturalized, or by competent testimony that the said person is a natural-born citizen of the United States, or that the person is or was the wife of a citizen of the United States and resides therein.

14. Any inquisition of a jury on a writ issued from a court of equity finding the party an idiot, lunatic, or non compos mentis, and confirmed by the court, shall be conclusive evidence of the unsound mind of the party; and if such inquisition shall not have been had at the time when administration ought to be granted, a writ of lunacy may issue by said

court on the petition of any person interested; and the finding of the jury that the party is an idiot, lunatic, or madman, or non compos mentis, thereon returned and confirmed by the court, shall be conclusive against the party, and said court may thereon proceed as if the party had not been named in the will.

15. When a person named in a will as executor shall be alleged to be under the age of eighteen years, it shall be incumbent on the person making the allegation to establish the same by such proof as is usually required in such cases.

16. No married woman shall be entitled to letters testamentary, but the same, or letters of administration, shall be granted in the same manner as if she had not been named in the will, unless her husband, with two sureties, give bond as aforesaid for her faithful performance, and the bond of any executrix who is unmarried and above eighteen, given as aforesaid, shall be binding in the same manner as if she were of the full age of twenty-one years.

17. In case letters testamentary shall be granted to an executor above eighteen and under twenty-one years of age, the bond by him executed for faithful performance shall be binding as if he were of full age.

18. No executor shall be obliged to exhibit any inventory or account, provided he will give bond, instead of the bond hereinbefore directed, with such security, and in such penalty, as the court shall approve, to the United States, to be recorded and sued as before directed, with condition "for paying all just debts of, and claims against, the deceased, and all damages which shall be recovered against him as executor, and also all legacies bequeathed by the will," provided the said executor be residuary legatee, or provided the residuary legatee, of full age, shall notify his or her consent to the court; and in case such bond be given by an executor, he shall be answerable for all debts, claims, and damages recovered against him as executor; and if suit be brought against him as executor, the judgment shall be for the whole sum found by the jury, or otherwise ascertained, and execution may issue, and have effect, as if he were sued in his own right; and any legatee shall be entitled to recover the full amount of his legacy, either in a suit upon the said executor's bond, or in a suit in chancery, as is usual in case of legacies, or in an action at law, in which the giving of such bond shall be considered as an assent to the legacy.

19. No administrator, entitled to the whole residue after payment of debts of, and claims against, the intestate, shall be obliged to return an inventory or account, provided he will give bond, with such security and such penalty as the court shall approve, conditioned for paying all debts, claims, and damages which shall be recovered against him, as administrator; and in case he shall give such bond, he shall be answerable for all debts, claims, and damages aforesaid, and judgment may be given and execution may issue and have effect, as herein directed with respect to an executor giving a similar bond.

20. Every person who shall unlawfully intermeddle with any property of a decedent shall be chargeable as executor of his own wrong, and shall be liable to an action to the extent of the damage occasioned thereby. The measure of such damages shall be the value of the property taken, with interest thereon at the rate of ten per centum per annum, and compensation for any special damage sustained.

21. The court, either ex officio or on the application of any one interested in the estate, shall have power to restrain an executor of his own wrong from intermeddling with said estate, and to enforce its orders against him by attachment and fine, and sequestration of his property.

22. The court may, *ex officio*, or on the application of any surety on any administration bond, or of any one interested in the estate of such surety, who may conceive himself in danger of suffering from the suretyship, call upon the administrator to give counter-security, to be approved of by the court. It may also require new or additional security of administrators, as hereinbefore provided in Chapter III, Title III, Part I, of these revised laws: *Provided*, There be a summons to show cause against such order, or ten days' notice, in writing, of the intended application be given.

23. On the failure of an administrator to comply with the order of the court to give either counter, new, or additional security, his administration shall be revoked, and another administrator shall be appointed in his stead, and the delivery to such newly-appointed administrator of all the estate in the hands of the former administrator then unadministered, together with all books, papers, and evidences of debt of the deceased, may be ordered by the court, and a disobedience of same punished as a contempt.

CHAPTER IV.—ADMINISTRATION.

1. Whenever any person has died intestate, leaving in this District personal estate, letters of administration may be forthwith granted by said court.

2. Administration may be granted to two or more persons, with the consent of the person first entitled.

3. It shall be incumbent on the person applying for administration to prove such dying intestate to the satisfaction of the court, unless the same be notorious; and the court may examine such person on oath touching the time, place, and manner of the death, and whether or not the party dying left any will; and if such dying intestate be not proved to the satisfaction of the court, no such administration shall be granted until at least twenty days after the death of the supposed intestate, and at least seven days after application therefor.

4. The qualifications of an administrator shall, in all respects, be the same as herein prescribed for an executor, and all questions touching such qualifications shall be tried and determined by the same proofs and in like manner.

5. If the intestate leave a widow and a child, or children, administration at the discretion of the court shall be granted either to the widow or child, or one of the children.

6. If there be a widow and no child, the widow shall be preferred, and, next to the widow or children, a grandchild shall be preferred.

7. If there be neither widow nor child, nor grandchild, the father shall be preferred.

8. If there be neither widow nor child, nor grandchild, nor father, brothers and sisters shall be preferred, and, next to brothers and sisters, the mother shall be preferred.

9. If there be neither widow, nor child, nor grandchild, nor father, nor brother, nor sister, nor mother, the next of kin shall be preferred.

10. Males shall be preferred to females in equal degree of kin.

11. Relations of the whole blood shall be preferred to those of the half-blood in equal degree, and relations of the half-blood shall be preferred to relations of the whole blood in a remoter degree.

12. Relations descending shall be preferred to relations ascending in the collateral line; that is to say (for example) a nephew shall be preferred to an uncle.

13. None shall be preferred in the ascending line beyond a father or mother, or in the descending line below a grandchild.

14. A feme sole shall be preferred to a married woman in equal degree.

15. Where a female is entitled, administration may be granted to her and her husband, provided he be capable.

16. Relations on the side of the father shall be preferred to relations on the side of the mother in equal degree.

17. If there be no relations, administration shall be granted to the largest creditor applying for the same.

18. If there shall be neither husband, nor wife, nor child, nor grandchild, nor father, nor brother, nor sister, nor mother, or if these be incapable, or decline, or refuse to appear on proper summons or notice, or if other relations and creditors shall neglect to apply, administration may be granted at the discretion of the court.

19. It shall not be necessary to give notice to a party entitled to administration if he be out of the District, nor shall it be necessary to summon or notify collateral relations more remote than brothers and sisters of the intestate, in order to exclude them from the administration; and no relations, except a widow, child, grandchild, father, brother, sister, or mother, shall be considered as entitled, unless they shall apply for the same.

20. If letters of administration are to be granted, with a copy of the will annexed, and there be a residuary legatee or legatees in such will, he or they shall be preferred to all except a widow, and it shall be incumbent on the court to proceed in the manner directed by law with respect to executors, before administration shall be granted to any other person; and a male residuary legatee shall be preferred to a female.

21. No administration shall be granted to any judge of said court, or register of wills, unless he be next of kin or largest creditor.

22. If administration shall be granted, and a will for the disposition of the personal estate of the deceased shall afterward be proved according to law, and an executor named therein shall apply for letters testamentary within thirty days thereafter, and shall be capable, and shall execute a bond as herein directed, letters testamentary shall be accordingly granted to him, and the same shall be construed as a revocation of the letters of administration.

23. All acts done by any executor or administrator according to law, before any actual or implied revocation of his letters, shall be valid and effectual, and the executor or administrator obtaining letters after a revocation, shall thereby be authorized to prosecute any actions at law or equity, commenced by the former executor or administrator, and obtain judgment in his own name, and likewise to defend any suit commenced against the former executor or administrator; and the new executor or administrator shall have the benefit of all judgments obtained by the former executor or administrator, and shall be bound by all judgments obtained against him, unless the same shall be shown to have been obtained by fraud and set aside by the court in which the judgment was rendered, upon such suggestion of fraud, either upon examination in a summary way into the fact, or by directing an issue to try the same, or unless the executor or administrator shall show to the court that there are good grounds to open the judgment, in which case the court shall open the judgment for future litigation; and with respect to the allowance of costs, all such executors and administrators shall be on the same footing as if letters testamentary or of administration had not been granted; and the same rules in making such executor or administrator plaintiff or defendant shall be observed as directed for making new parties in cases where a party dies.

18. In case the surplus remaining in the administrator's hands, after payment of all just debts exhibited and proved or notified and not barred, or after retaining for the same, shall consist of specific property or articles mentioned in the inventory or inventories, the administrator, if he cannot satisfy the parties, may apply to the court to make distribution, and the court may appoint a day for making distribution, and by summons call on the said parties to appear; and the said court may, at the appointed time, proceed to distribute. But if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles, or if the court shall deem a sale of the said articles, or any part of them, more advantageous, a sale shall be directed accordingly, and the rules herein laid down relative to a sale by order of the said court shall be observed.

19. Whenever a distribution of specific articles is to be made, the court may appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled as to them shall seem meet and proper; or if, in their opinion, upon a view of such articles, no distribution among the persons entitled could be by them made which would operate equally, but a sale thereof would be more advantageous to them, they shall return to the court their opinion in writing, and the court shall thereupon order a sale of such articles upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled.

20. When any person entitled, after payment of debts, shall be in want of subsistence, or greatly straitened in his circumstances, and shall apply to the court by petition, and satisfy the court that he is in want of subsistence or greatly straitened in circumstances, and that it probably will not require more than one-half of the assets to discharge the debts, the court may direct the administrator to deliver to the petitioner any part of what the court shall suppose will be his distributive share, or any part of a legacy or bequest in money not exceeding one-third part, the said petitioner giving bond, with security approved by the court, to the administrator for returning the same or an equivalent, with interest, whenever so directed by the court, and the court shall have power to determine in a summary way on any such petition, after summons against such administrator duly returned summoned or non est.

21. And the court in like manner, on any petition by a person in such circumstances, to whom a specific legacy or bequest has been made, being satisfied that the assets, exclusive of all specific legacies, will not be nearly exhausted by debts, may direct the executor or administrator with the will annexed, to deliver to the petitioner the said specific legacy or bequest, on his giving bond as aforesaid.

22. Where a bequest of personal property or money is made to a female, and directed by the will to be paid on her attaining to full, mature, or to lawful age, such female shall be entitled to receive and demand such personal property or money on her arriving at the age of eighteen years, or being married.

23. Any administrator shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies, or a residue, on some day by the court approved, and payment or distribution may be there made under the court's direction and control.

CHAPTER X.—GUARDIAN AND WARD.

1. Whenever land shall descend or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will or codicil, or may acquire any real or personal property, or estate, by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the court where the land lies, or in which administration of the personal estate is granted, shall have power to appoint a guardian to such infant until the age of twenty-one years, (if a male,) and until the age of eighteen years, (if a female,) or marriage; and such appointment may be made at any time after the probate of the will, or administration granted on the estate of the deceased, under whom the infant appears to be so entitled to land; and it may be made, if the court shall think proper, in the case of personal estate, either before or after the administrator shall have passed his account.

2. In case any infant in this District shall be entitled to personal property by purchase or by gift, other than by last will and testament, recorded in this District, and there be no guardian appointed to such infant within this District, said court shall have the right to appoint a guardian to such infant.

3. Said court shall have the right and power to appoint a guardian to any such infant as aforesaid, although such infant may have a father or mother living at the time of such appointment: *Provided*, Notice by the court be given by publication or otherwise to such father, or mother, (if there be no father living,) to show cause why such appointment should not be made; and such appointment shall be as valid in every respect as if the father and mother of such infant were both dead at the time; but nothing herein contained shall prevent the said court from appointing the father or mother of such infant its guardian, if the court to whom the appointment properly belongs shall, in its discretion, deem such father or mother a fit and proper person to be so appointed.

4. The court shall have power to have brought before them any infant, for the purpose of appointing a guardian.

5. The appointment of a guardian by a mother of an infant, by last will and testament, shall be as valid in every respect and to all intents and purposes, as if such appointment had been made by the father of such infant, by will: *Provided*, There be no legitimate father of said infant living.

6. In all cases where there has been an appointment of a guardian of a female above the age of eighteen years, by last will and testament, and the person so appointed shall have died, or renounced, or refused to act, said court may appoint a guardian in the place of the person so dying, renouncing, or refusing to act; and the person so appointed shall give bond in the same manner as guardians appointed for infants under age, and shall have the same powers, perform the same duties, and be entitled and bound to perform them for the same length of time, or up to such period as the person appointed by the will, if he had lived and taken upon him the trust reposed in him by the will, and shall be bound to render and settle an account of his guardianship or trust to said court, in the same manner and at the same time as other guardians of infants appointed by said court are required by law.

7. When a guardian shall be appointed by said court in this District, or by last will and testament, agreeably to law, such guardianship shall

extend to all the property of the infant within this District, or which may be obtained by such guardian out of the same, by virtue of such appointment or guardianship.

8. Whenever any person shall die seized or possessed of any lands, tenements, or hereditaments lying within this District, and any of the persons entitled thereto or any part thereof shall be under age, and without a guardian appointed by last will and testament, or by said court, the administrator of the decedent, as soon as administration shall be committed to him, and not before, shall take possession of such estate, and discharge and fulfill all the duties of guardian to such infant, and shall account with the court in like manner as guardians are required by law to account, and subject to the like control and authority of the court, in all respects whatever.

9. No administrator shall be bound in any manner to discharge and fulfill the duties of guardian after the close of his administration, or after the end of the three years from the granting such administration, nor after a guardian shall be appointed by said court.

10. When a guardian or guardians shall be appointed to such infant, or the said infant shall arrive at age, or, if a female, be married—whichever shall first happen—the administrator shall render to said court an account on oath of the manner in which the duties imposed by the two preceding sections have been discharged, in the same manner and upon the same principles as guardians are hereinafter required to settle their accounts, and subject to the like control and authority of the court in all respects; and the said account shall be separate and distinct from the administration of the personal estate of the deceased; and said court shall thereupon pass an order directing such administrator to pay over to the guardian or guardians, or to the person entitled, as the case may be, any money remaining in his hands belonging to such infant, which shall have arisen from the profit of the real estate belonging to such infant, and also to deliver over to such guardian or guardians, or person entitled, the real estate of such infant; and upon neglect or refusal of the administrator to obey such order, or to return an account herein directed, his administration bond shall be liable to be sued by such guardian or guardians, or person entitled, and said court may moreover proceed against him by attachment and sequestration.

11. Every natural guardian, or guardian appointed by last will and testament of the estate or property of infants, shall give bond with securities to be approved by said court, as directed in the next succeeding section.

12. Every guardian appointed by the court, and every guardian by will or natural guardian, before he proceeds to act as such, shall enter into bond to the United States in such penalty and with such sureties as the court shall approve, and to be recorded and be subject to be put in suit, and to be in all respects on a footing with an administration bond, with the following condition: "The condition of the above obligation is such that if the above bounden ———, as guardian to ———, shall faithfully account with the supreme court of the District, as directed by law, for the management of the property and estate of the infant under his care, and shall also deliver up the said property agreeably to the order of the said court or the directions of law, and shall in all respects perform the duty of guardian to the said ———, according to law, then the above obligation shall cease; it shall otherwise remain in full force and virtue in law." And the said bond shall be liable for the proceeds of sales of the real estate of his ward which shall come into his possession, as well as for other property.

13. Said court may, when it deems it expedient, approve and accept of one guardian bond where the same person is appointed guardian to any number of infants who may be entitled to portions of the same estate, instead of separate bonds for each ward: *Provided*, That nothing herein contained shall be construed so as to interfere with any remedies against such bonds, but the same shall be liable to suit by all or either of the wards therein named, or their representatives, as fully as separate guardian bonds.

14. Said court shall have power to call on any guardian for new security, and, on failure, may appoint a new guardian.

15. On a guardian's executing such bond as aforesaid, the court shall have power to order the land, distributive share, or other property belonging to this ward, to be delivered to the guardian immediately, or at such time as shall appear reasonable; in case of a legacy or bequest, the court shall direct the delivery as soon as it shall appear that the same may be delivered without prejudice to the person administering; and in the case of a distributive share, the court shall direct the delivery as soon as the same shall be ascertained; and, on failure of any former guardian appointed by the court, or of an administrator, to comply with such order, his bond may be put in suit, and he may also be attached for contempt, and fined not exceeding three hundred dollars.

16. Every guardian appointed by the court having care of real estate shall, within three months after executing his bond, procure the said estate to be viewed and reported on by two skillful, discreet persons not related to either party, and appointed by said court, which two persons, before they proceed to act, shall swear, before some judge or justice, that they will appraise the same without favor or prejudice, and to the best of their skill and judgment; and it shall be the duty of the appraisers to examine the estate and estimate the annual value thereof, including any working-beasts and stock and utensils thereon belonging to the ward and proper to be leased with the land; they shall likewise set down in writing what dwelling-houses, out-houses, orchards, gardens, meadows, inclosures, and other improvements are on the land, and the condition thereof, and what proportion of the said land is, in their estimation, in woods; and they shall make a certificate, under their hands and seals, of the whole they have done, to which shall be annexed a certificate of their appointment and of their having taken the oath aforesaid, and the same shall be returned by the guardian to said court within three months as aforesaid, and the same shall be evidence against him in case of any suit for misconduct brought against him.

17. No guardian shall commit waste on the land, but the court may, on his application, allow him to cut down and sell wood, and account for the same, in case it shall deem the same advantageous or necessary for the ward's education and maintenance.

18. And each guardian having real estate under his care shall either cultivate the same, with the stock and utensils belonging to his ward, or to be purchased with his money, with the approbation of the court, or he shall lease the same from year to year, or for any term not exceeding three years, and within the nonage of his ward; or he may, with the court's approbation, undertake the estate on his own account, and be answerable for the annual value to be every third year ascertained under the direction of the court.

19. The rents of all real estate of an infant dying before such rents become due shall for the year in which such infant dies be paid to his guardian, and shall be accounted for by the guardian in the settlement of his accounts with said court, and the balance not appropriated for

any goods, merchandises, or effects, or the rendering of any service to any person, shall be good and sufficient evidence to charge the person to whom such money shall be delivered or paid, or such goods, merchandises, effects, or service shall be sold, delivered, or rendered, and also shall be good evidence to prove the prices of such goods, merchandises, effects and service, and also to prove the assumption of the receiver, or any person claiming under him, to pay for the same, provided such oath or affirmation as aforesaid be made within twelve months from the date of the articles respectively paid or delivered, or service rendered, and provided also, that in case any suit shall be brought to recover any money paid or delivered, or the price of any goods, merchandises, effects, or service as aforesaid, the plaintiff shall make oath or affirmation as aforesaid, that he believes the money, goods, merchandises, effects, or service charged in the account to which oath or affirmation as aforesaid shall be annexed, were *bona-fide* delivered or rendered as charged, and that he has not, nor any person for him, to his knowledge or belief, received any payment or satisfaction for the items charged, more than credit is duly given for, in, and appearing upon the account to which such oath or affirmation as aforesaid is annexed, nor has he received any security for the same, and that the balance charged and claimed is justly due according to the best of his knowledge and belief.

10. The vouchers or proofs of any claim on open account shall be a certificate of an oath taken by the creditor since the death, indorsed on or annexed to the account, that "the account as stated is just and true, and that he has not received any part of the money stated to be due, or any security or satisfaction for the same, except what (if any) is credited; and moreover such claim shall be proved as is required by the preceding section.

11. If the claim arises on a bond, note, or a bill of exchange, or account for dealing with a factor, and the principal be not within the District, the factor who took the said bond, note, or bill, or who sold or delivered the articles in the account, may make oath, to be certified as aforesaid, and indorsed on a statement of the money due thereon, "that the said statement is full, just, and true, and that he (the deponent) took the said bond, or note, or bill, or delivered the articles charged in the account, as factor to ———, living in or lately of ———, and that neither he, the deponent, nor the principal, nor any other person for him or the principal, to his knowledge or belief, has received any part of the money originally due on such bond, note, bill, or account, or any security or satisfaction for the same, except what (if any) is credited;" and the said oath, with the other respective vouchers and proofs as aforesaid, shall authorize the administrator in payment or distribution.

12. If the factor aforesaid be dead, or out of the District, and the principal be also out of the District, and it shall appear, in case of account, that the same has been regularly proved according to section nine of this chapter, an oath of any other factor made after the death of the decedent, and certified and indorsed on the statement as aforesaid, "that the said bond, note, bill, or account, came into his hands as factor for the creditor residing in ———, after the death or removal of ———, the factor who took the said bond, note, bill, or delivered the articles in the account, that he has reason to believe, and does believe, that the said statement is full, just, and true, and that no part of the money originally due on such bond, note, bill, or account, or any security or satisfaction for the same has been received, except what (if any) is credited;" and the said oath, with the other respective vouchers

or proofs as aforesaid, shall be sufficient to authorize the administrator to pay as aforesaid.

13. When any affidavit or depositions to prove claims shall have been taken out of said District, the same shall be good if taken and certified as aforesaid by the notary of the place, or by some person there authorized to administer an oath, and certified to be such under the seal of the governor or mayor, or chief magistrate or clerk of any court of record, or notary public of such place, and the said oath shall be as available as if taken before a justice within this District.

14. If the creditor be an administrator, the claim shall not be received, although vouched or approved as aforesaid, unless he make oath, to be certified as aforesaid, "that it does not appear from any book or writing of his decedent, that any part of the said claim has been discharged, except what (if any) is credited, and that to the best of the deponent's knowledge and belief, no part of the said claim has been discharged, and no security or satisfaction given for the same, except what (if any) is credited."

15. In no case shall an administrator be allowed to retain for his own claim against the decedent, unless the same be passed by said court, and every such claim shall stand on an equal footing with other claims of the same nature.

16. No administrator shall be allowed in his account for any claim discharged by him, unless he produce the claim passed by said court, or proven as herein directed.

17. It shall not be considered as the duty of an administrator to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion.

18. No administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited as aforesaid, but may reject, and at law dispute, the same, in case he shall have reason to believe that the deceased never owed the debt, or had discharged the same or a part thereof, or had a claim in bar.

19. In no case shall the order made by said court or register of wills that an account or claim will pass when paid, be deemed of validity to establish such claim or account; but in case the administrator thinks fit to contest the same, such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

20. An administrator shall, within thirteen months from the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by said court, on his making oath that he has reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased, discharge all just claims known to him, or pay each claimant his just proportion of the money then in his hands, (retaining as herein directed;) it shall likewise be his duty once in every term of six months after the first distribution to make a distribution of the money which has since come to his hands, until he shall have fully administered, and, on failure, his administration bond may be put in suit.

21. In all cases where an administrator is to make payment of distribution among the creditors of his decedent, he may give notice three successive weeks previously in some convenient newspaper, of the time and place for making it, and in case the creditor shall not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all interest on such claim, or proportionable part, shall

any goods, merchandises, or effects, or the rendering of any service to any person, shall be good and sufficient evidence to charge the person to whom such money shall be delivered or paid, or such goods, merchandises, effects, or service shall be sold, delivered, or rendered, and also shall be good evidence to prove the prices of such goods, merchandises, effects and service, and also to prove the assumption of the receiver, or any person claiming under him, to pay for the same, provided such oath or affirmation as aforesaid be made within twelve months from the date of the articles respectively paid or delivered, or service rendered, and provided also, that in case any suit shall be brought to recover any money paid or delivered, or the price of any goods, merchandises, effects, or service as aforesaid, the plaintiff shall make oath or affirmation as aforesaid, that he believes the money, goods, merchandises, effects, or service charged in the account to which oath or affirmation as aforesaid shall be annexed, were *bona-fide* delivered or rendered as charged, and that he has not, nor any person for him, to his knowledge or belief, received any payment or satisfaction for the items charged, more than credit is duly given for, in, and appearing upon the account to which such oath or affirmation as aforesaid is annexed, nor has he received any security for the same, and that the balance charged and claimed is justly due according to the best of his knowledge and belief.

10. The vouchers or proofs of any claim on open account shall be a certificate of an oath taken by the creditor since the death, indorsed on or annexed to the account, that "the account as stated is just and true, and that he has not received any part of the money stated to be due, or any security or satisfaction for the same, except what (if any) is credited; and moreover such claim shall be proved as is required by the preceding section.

11. If the claim arises on a bond, note, or a bill of exchange, or account for dealing with a factor, and the principal be not within the District, the factor who took the said bond, note, or bill, or who sold or delivered the articles in the account, may make oath, to be certified as aforesaid, and indorsed on a statement of the money due thereon, "that the said statement is full, just, and true, and that he (the deponent) took the said bond, or note, or bill, or delivered the articles charged in the account, as factor to ———, living in or lately of ———, and that neither he, the deponent, nor the principal, nor any other person for him or the principal, to his knowledge or belief, has received any part of the money originally due on such bond, note, bill, or account, or any security or satisfaction for the same, except what (if any) is credited;" and the said oath, with the other respective vouchers and proofs as aforesaid, shall authorize the administrator in payment or distribution.

12. If the factor aforesaid be dead, or out of the District, and the principal be also out of the District, and it shall appear, in case of account, that the same has been regularly proved according to section nine of this chapter, an oath of any other factor made after the death of the decedent, and certified and indorsed on the statement as aforesaid, "that the said bond, note, bill, or account, came into his hands as factor for the creditor residing in ———, after the death or removal of ———, the factor who took the said bond, note, bill, or delivered the articles in the account, that he has reason to believe, and does believe, that the said statement is full, just, and true, and that no part of the money originally due on such bond, note, bill, or account, or any security or satisfaction for the same has been received, except what (if any) is credited;" and the said oath, with the other respective vouchers

or proofs as aforesaid, shall be sufficient to authorize the administrator to pay as aforesaid.

13. When any affidavit or depositions to prove claims shall have been taken out of said District, the same shall be good if taken and certified as aforesaid by the notary of the place, or by some person there authorized to administer an oath, and certified to be such under the seal of the governor or mayor, or chief magistrate or clerk of any court of record, or notary public of such place, and the said oath shall be as available as if taken before a justice within this District.

14. If the creditor be an administrator, the claim shall not be received, although vouched or approved as aforesaid, unless he make oath, to be certified as aforesaid, "that it does not appear from any book or writing of his decedent, that any part of the said claim has been discharged, except what (if any) is credited, and that to the best of the deponent's knowledge and belief, no part of the said claim has been discharged, and no security or satisfaction given for the same, except what (if any) is credited."

15. In no case shall an administrator be allowed to retain for his own claim against the decedent, unless the same be passed by said court, and every such claim shall stand on an equal footing with other claims of the same nature.

16. No administrator shall be allowed in his account for any claim discharged by him, unless he produce the claim passed by said court, or proven as herein directed.

17. It shall not be considered as the duty of an administrator to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion.

18. No administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited as aforesaid, but may reject, and at law dispute, the same, in case he shall have reason to believe that the deceased never owed the debt, or had discharged the same or a part thereof, or had a claim in bar.

19. In no case shall the order made by said court or register of wills that an account or claim will pass when paid, be deemed of validity to establish such claim or account; but in case the administrator thinks fit to contest the same, such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

20. An administrator shall, within thirteen months from the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by said court, on his making oath that he has reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased, discharge all just claims known to him, or pay each claimant his just proportion of the money then in his hands, (retaining as herein directed;) it shall likewise be his duty once in every term of six months after the first distribution to make a distribution of the money which has since come to his hands, until he shall have fully administered, and, on failure, his administration bond may be put in suit.

21. In all cases where an administrator is to make payment of distribution among the creditors of his decedent, he may give notice three successive weeks previously in some convenient newspaper, of the time and place for making it, and in case the creditor shall not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all interest on such claim, or proportionable part, shall

cease from that time: *Provided*, that the administrator shall at any time thereafter, on demand, pay the said claim or proportionable part to the party, his agent or attorney duly authorized; and whenever the administrator shall proceed to make an additional payment or dividend, he may advertise as aforesaid, and interest shall stop as aforesaid; and if, at any additional dividend, a just claim, established as hereinbefore directed, shall be exhibited, the creditor shall be entitled to such sum as will place him on an equal footing with those who have already received a dividend.

22. It shall be the duty of an administrator to pay all just claims against his decedent, exhibited to him, or a just proportionable part thereof, according to the assets; and if any claim be known to him (although the same be not exhibited) he shall retain the same, or a just proportionable part for the benefit of the creditor, provided he can satisfy the court that such claim is just, or may probably be recovered; and when it is certain that there is a claim of a person out of said district but the amount thereof cannot be ascertained, the court may allow such sum as it may think proper to be retained, to be accounted for, nevertheless, if within three years after the death of the deceased no demand shall be made by the creditor or his representatives, and suit brought on the rejection thereof by the administrator, and from the time of making payment to, or dividend among, the creditors as herein directed, all interest on such claim or proportionable part thereof shall cease: *Provided*, That the administrator shall pay or tender the same, together with such further part as shall be due, on further money coming into hand, to the creditor on demand; and in case the administrator on demand of a greater sum made by such creditor, shall tender the principal and interest which were due at the time of such dividend, or the just proportional part thereof, together with such further proportion as aforesaid of assets, and the claimant shall notwithstanding bring suit, the administrator, at any time before judgment, may bring into court the money so tendered, or money to an equal amount; and if he shall satisfy the court that the said sum was really the amount of the principal and interest due at the time of such dividend, or of the proportionable part to which the claimant was entitled at the dividend, together with such further proportion, (if any there arose,) the court shall thereupon give judgment, that the sum so brought in, deducting the costs sustained by the defendant, be paid to the plaintiff, and the said judgment shall be pleadable in bar to any action afterward brought to recover the said debt; or in case the administrator shall not tender as aforesaid before the suit brought, the creditor shall recover no more than the proportionable part due at the time of the dividend and such further proportion as he was entitled to on the coming in of further assets, with interest on each to the time of judgment.

23. No creditor shall bring a suit upon an administration or testamentary bond for any debt or damages due from, or recovered against the decedent, before a non est or a summons is retured against the administrator, or a fieri facias returned nulla bona by the marshal, or such other apparent insolvency or insufficiency of the estate of such * * * * * administrator as shall in the judgment of the court render such creditor remediless by any other reasonable means save that of suing such bond.

24. And if any action shall be commenced against an administrator for the recovery of a larger debt or damages than he shall think due, so that the same cannot be ascertained before verdict, the administrator shall be allowed to retain such sum to meet the said debt or dam-

ages as said court shall allow, and if more than enough be allowed, the party shall afterward account for it, but nothing shall be retained on account of such further debt or damages, where the court shall be satisfied that there will be money sufficient coming in after such dividend to meet the said damages, or a just proportion thereof, regard being had to other claims.

25. If a claim be exhibited against an administrator, which he shall think it his duty to dispute or reject, he may retain in his hands assets proportioned to the amount of the claim, which assets shall be liable to other claims, or to be delivered up or distributed in case the claim be not established; and if on any claims exhibited and disputed as aforesaid, the creditor or claimant shall not, within nine months after such dispute or rejection, commence a suit for recovery, the creditor shall be forever barred; and the administrator may plead this section in bar, together with any other plea proper to bring the merits of the cause to trial; and on any dividend to be made nine months after such dispute or rejection and failure to bring suit, the administrator may proceed to pay or distribute, as if he had not knowledge or notice of such claim, or as if it did not exist, but if the claim be put in suit within the nine months, it may be ascertained by verdict or otherwise, and the court shall proceed as herein directed, regard being had to the rules herein laid down as to the notice to be given by the administrator, and distribution or payment to be made after such notice.

26. In case all the assets have been paid away, delivered or distributed as herein directed, and a claim shall afterwards be exhibited, of which the administrator has not notice by the exhibition of the claim legally authenticated, as herein required, he shall not be answerable for the same; and if he be sued for any claim, and shall make it appear to the court in which suit is brought that he has so paid away, delivered or distributed, and the plaintiff cannot prove that the defendant had notice as aforesaid before such payment, delivery or distribution, the court shall not proceed to give judgment (although the amount of the claim against the deceased may be ascertained) until the plaintiff shall be able to show further assets coming into the defendant's hands, but if the plaintiff shall prove notice as aforesaid, of the said claim against the defendant, judgment may immediately be given for such sum as the plaintiff ought to have received at the dividend, and fieri facias may issue and have effect, and further judgment may be given on coming in of further assets.

27. No administrator who shall, after the lapse of one year from the date of his letters, have paid away assets to the discharge of just claims, shall be answerable for any claim of which he had no notice, by an exhibition of the claim legally authenticated: *Provided*, That at least six months before he shall make distribution, he shall have caused to be inserted in so many newspapers as said court may direct, an advertisement as follows, or fully to the following effect, viz: "This is to give notice that the subscriber, of ———, has obtained from the supreme court of the District of Columbia letters testamentary (or of administration) on the personal estate of ———, late of ———, deceased. All persons having claims against the deceased are hereby warned to exhibit the same with the vouchers thereof legally authenticated to the subscriber, on or before the ——— day of ——— next; they may otherwise by law be excluded from all benefit of said estate. Given under my hand this ——— day of ———."

28. The administrator may report to the court, with an affidavit of the truth thereof annexed, the fact of having given such notice, and

the court, on being satisfied that their order has been complied with, and the said notice has been given, shall indorse on said report their certificate that it has been proven to their satisfaction that said notice has been given as therein reported, and shall order said report and certificate to be recorded among the records of the court.

29. The said report and certificate shall be prima-facie evidence, in all cases whatever, of the giving of such notice as therein stated.

30. A copy of said report, certificate, and order, under the seal of the register of wills, shall be legal and competent evidence.

31. In paying the debts of a decedent, an administrator shall observe the following rules: All taxes due and in arrear from the decedent shall be preferred to the exclusion of all other debts, and claims for rent in arrear against deceased persons shall next have preference. Judgments and decrees shall next be wholly discharged. After such claims for taxes and rent, and judgments and decrees, shall be satisfied, all other just claims shall be on an equal footing without priority or preference. If there be not sufficient to discharge all such judgments and decrees, a proportionate dividend shall be made between the judgment and decree creditors.

32. No administrator shall be bound to take notice of any claim against his decedent, unless the same shall be exhibited to such administrator legally authenticated; or unless such claim shall have been passed by the court, and entered by the register upon his docket; or unless a suit shall be pending against such administrator for such claim.

33. Any administrator shall be entitled to appoint a meeting of creditors on some day by the court approved, and passage of claims, payment or distribution, may be there made under the court's direction and control.

34. Whenever it shall appear by the first or other account of an executor or administrator, that all the claims against or debts of the decedent, which have been known by or notified to him, have been discharged or allowed for in his account, it shall be his duty to deliver up and distribute the surplus or residue as hereinafter directed: *Provided*, That his power and duty with respect to future assets shall not cease: and after such delivery he shall not be liable for any debt afterward notified to him: *Provided*, he shall have advertised as hereinbefore directed, unless assets shall afterward come into his hands which shall be answerable for such debts.

CHAPTER IX.—DISTRIBUTION.

1. When all the debts of an intestate exhibited and proved or notified, and not barred, shall have been discharged or settled, or allowed to be retained as herein directed, the administrator shall proceed to make distribution of the surplus as follows:

2. If the intestate leave a widow, or widower, and no child, parent, grandchild, brother or sister, or the child of a brother or sister of the said intestate, the said widow, or widower, shall be entitled to the whole.

3. If there be a widow, or widower, and a child or children, or a descendant or descendants from a child, the widow, or widower, shall have one-third only.

4. If there be a widow, or widower, and no child, or descendants of the intestate, but the said intestate shall leave a father or mother, or

brother or sister, or child of a brother or sister, the widow, or widower, shall have one-half.

5. The surplus, exclusive of the widow's or widower's share, or the whole surplus, (if there be no widow, or widower,) shall go as follows:

6. If there be children, and no other descendants, the surplus shall be divided equally among them.

7. If there be a child or children, and a child or children of a deceased child, the child or children of such deceased child shall take such share as his, her, or their deceased parent would (if alive) be entitled to; and every other descendant or other descendants in existence at the death of the intestate shall stand in the place of his or their deceased ancestor: *Provided*, That if any child or descendant shall have been advanced by the intestate by settlement, or portion, the same shall be reckoned in the surplus; and if it be equal or superior to a share, such child or descendant shall be excluded, but the widow, or widower, shall have no advantage by bringing such advancement into reckoning; and maintenance or education, or money given without a view to a portion or settlement in life, shall not be deemed advancement; and in all cases those in equal degree claiming in the place of an ancestor shall take equal shares.

8. If there be a father and no child or descendant, the father shall have the whole.

9. If there be a brother or sister, or child or descendant of a brother or sister, and no child, descendant or father of the intestate, the said brother, sister, or child or descendant of a brother or sister, shall have the whole.

10. Every brother and sister of the intestate shall be entitled to an equal share, and the child or children of a brother or sister of the intestate shall stand in the place of such brother or sister.

11. If the intestate leave a mother, and no child, descendant, father, brother, sister or child, or descendant of a brother or sister, the mother shall be entitled to the whole; and in case there be no father, a mother shall have an equal share with the brothers and sisters of the deceased, and their children and descendants.

12. After children, descendants, father, mother, brothers and sisters of the deceased, and their descendants, all collateral relations in equal degree shall take, and no representation among such collaterals shall be allowed; and there shall be no distinction between the whole and half blood.

13. If there be no collaterals, a grandfather may take, and if there be two grandfathers, they shall take alike, and a grandmother, in case of the death of her husband the grandfather, shall take as he might have done.

14. If any person entitled to distribution shall die before the same shall be made, his or her share shall go to his or her representatives.

15. Posthumous children and other posthumous relatives of intestates shall take in the same manner as if they had been born before the decease of the intestate.

16. If there be no widow or relations of the intestate within the fifth degree, which shall be reckoned by counting down from the common ancestor to the more remote, the whole surplus shall belong to the District of Columbia.

17. If any legal representative shall appear after division has been made under the preceding section, said District of Columbia shall pay said surplus to such representative, but no collateral more remote than brothers' and sisters' children shall claim under this section.

18. In case the surplus remaining in the administrator's hands, after payment of all just debts exhibited and proved or notified and not barred, or after retaining for the same, shall consist of specific property or articles mentioned in the inventory or inventories, the administrator, if he cannot satisfy the parties, may apply to the court to make distribution, and the court may appoint a day for making distribution, and by summons call on the said parties to appear; and the said court may, at the appointed time, proceed to distribute. But if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles, or if the court shall deem a sale of the said articles, or any part of them, more advantageous, a sale shall be directed accordingly, and the rules herein laid down relative to a sale by order of the said court shall be observed.

19. Whenever a distribution of specific articles is to be made, the court may appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled as to them shall seem meet and proper; or if, in their opinion, upon a view of such articles, no distribution among the persons entitled could be by them made which would operate equally, but a sale thereof would be more advantageous to them, they shall return to the court their opinion in writing, and the court shall thereupon order a sale of such articles upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled.

20. When any person entitled, after payment of debts, shall be in want of subsistence, or greatly straitened in his circumstances, and shall apply to the court by petition, and satisfy the court that he is in want of subsistence or greatly straitened in circumstances, and that it probably will not require more than one-half of the assets to discharge the debts, the court may direct the administrator to deliver to the petitioner any part of what the court shall suppose will be his distributive share, or any part of a legacy or bequest in money not exceeding one-third part, the said petitioner giving bond, with security approved by the court, to the administrator for returning the same or an equivalent, with interest, whenever so directed by the court, and the court shall have power to determine in a summary way on any such petition, after summons against such administrator duly returned summoned or non est.

21. And the court in like manner, on any petition by a person in such circumstances, to whom a specific legacy or bequest has been made, being satisfied that the assets, exclusive of all specific legacies, will not be nearly exhausted by debts, may direct the executor or administrator with the will annexed, to deliver to the petitioner the said specific legacy or bequest, on his giving bond as aforesaid.

22. Where a bequest of personal property or money is made to a female, and directed by the will to be paid on her attaining to full, mature, or to lawful age, such female shall be entitled to receive and demand such personal property or money on her arriving at the age of eighteen years, or being married.

23. Any administrator shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies, or a residue, on some day by the court approved, and payment or distribution may be there made under the court's direction and control.

CHAPTER X.—GUARDIAN AND WARD.

1. Whenever land shall descend or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will or codicil, or may acquire any real or personal property, or estate, by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the court where the land lies, or in which administration of the personal estate is granted, shall have power to appoint a guardian to such infant until the age of twenty-one years, (if a male,) and until the age of eighteen years, (if a female,) or marriage; and such appointment may be made at any time after the probate of the will, or administration granted on the estate of the deceased, under whom the infant appears to be so entitled to land; and it may be made, if the court shall think proper, in the case of personal estate, either before or after the administrator shall have passed his account.

2. In case any infant in this District shall be entitled to personal property by purchase or by gift, other than by last will and testament, recorded in this District, and there be no guardian appointed to such infant within this District, said court shall have the right to appoint a guardian to such infant.

3. Said court shall have the right and power to appoint a guardian to any such infant as aforesaid, although such infant may have a father or mother living at the time of such appointment: *Provided*, Notice by the court be given by publication or otherwise to such father, or mother, (if there be no father living,) to show cause why such appointment should not be made; and such appointment shall be as valid in every respect as if the father and mother of such infant were both dead at the time; but nothing herein contained shall prevent the said court from appointing the father or mother of such infant its guardian, if the court to whom the appointment properly belongs shall, in its discretion, deem such father or mother a fit and proper person to be so appointed.

4. The court shall have power to have brought before them any infant, for the purpose of appointing a guardian.

5. The appointment of a guardian by a mother of an infant, by last will and testament, shall be as valid in every respect and to all intents and purposes, as if such appointment had been made by the father of such infant, by will: *Provided*, There be no legitimate father of said infant living.

6. In all cases where there has been an appointment of a guardian of a female above the age of eighteen years, by last will and testament, and the person so appointed shall have died, or renounced, or refused to act, said court may appoint a guardian in the place of the person so dying, renouncing, or refusing to act; and the person so appointed shall give bond in the same manner as guardians appointed for infants under age, and shall have the same powers, perform the same duties, and be entitled and bound to perform them for the same length of time, or up to such period as the person appointed by the will, if he had lived and taken upon him the trust reposed in him by the will, and shall be bound to render and settle an account of his guardianship or trust to said court, in the same manner and at the same time as other guardians of infants appointed by said court are required by law.

7. When a guardian shall be appointed by said court in this District, or by last will and testament, agreeably to law, such guardianship shall

extend to all the property of the infant within this District, or which may be obtained by such guardian out of the same, by virtue of such appointment or guardianship.

8. Whenever any person shall die seized or possessed of any lands, tenements, or hereditaments lying within this District, and any of the persons entitled thereto or any part thereof shall be under age, and without a guardian appointed by last will and testament, or by said court, the administrator of the decedent, as soon as administration shall be committed to him, and not before, shall take possession of such estate, and discharge and fulfill all the duties of guardian to such infant, and shall account with the court in like manner as guardians are required by law to account, and subject to the like control and authority of the court, in all respects whatever.

9. No administrator shall be bound in any manner to discharge and fulfill the duties of guardian after the close of his administration, or after the end of the three years from the granting such administration, nor after a guardian shall be appointed by said court.

10. When a guardian or guardians shall be appointed to such infant, or the said infant shall arrive at age, or, if a female, be married—whichever shall first happen—the administrator shall render to said court an account on oath of the manner in which the duties imposed by the two preceding sections have been discharged, in the same manner and upon the same principles as guardians are hereinafter required to settle their accounts, and subject to the like control and authority of the court in all respects; and the said account shall be separate and distinct from the administration of the personal estate of the deceased; and said court shall thereupon pass an order directing such administrator to pay over to the guardian or guardians, or to the person entitled, as the case may be, any money remaining in his hands belonging to such infant, which shall have arisen from the profit of the real estate belonging to such infant, and also to deliver over to such guardian or guardians, or person entitled, the real estate of such infant; and upon neglect or refusal of the administrator to obey such order, or to return an account herein directed, his administration bond shall be liable to be sued by such guardian or guardians, or person entitled, and said court may moreover proceed against him by attachment and sequestration.

11. Every natural guardian, or guardian appointed by last will and testament of the estate or property of infants, shall give bond with securities to be approved by said court, as directed in the next succeeding section.

12. Every guardian appointed by the court, and every guardian by will or natural guardian, before he proceeds to act as such, shall enter into bond to the United States in such penalty and with such sureties as the court shall approve, and to be recorded and be subject to be put in suit, and to be in all respects on a footing with an administration bond, with the following condition: "'The condition of the above obligation is such that if the above bounden ———, as guardian to ———, shall faithfully account with the supreme court of the District, as directed by law, for the management of the property and estate of the infant under his care, and shall also deliver up the said property agreeably to the order of the said court or the directions of law, and shall in all respects perform the duty of guardian to the said ———, according to law, then the above obligation shall cease; it shall otherwise remain in full force and virtue in law." And the said bond shall be liable for the proceeds of sales of the real estate of his ward which shall come into his possession, as well as for other property.

13. Said court may, when it deems it expedient, approve and accept of one guardian bond where the same person is appointed guardian to any number of infants who may be entitled to portions of the same estate, instead of separate bonds for each ward: *Provided*, That nothing herein contained shall be construed so as to interfere with any remedies against such bonds, but the same shall be liable to suit by all or either of the wards therein named, or their representatives, as fully as separate guardian bonds.

14. Said court shall have power to call on any guardian for new security, and, on failure, may appoint a new guardian.

15. On a guardian's executing such bond as aforesaid, the court shall have power to order the land, distributive share, or other property belonging to this ward, to be delivered to the guardian immediately, or at such time as shall appear reasonable; in case of a legacy or bequest, the court shall direct the delivery as soon as it shall appear that the same may be delivered without prejudice to the person administering; and in the case of a distributive share, the court shall direct the delivery as soon as the same shall be ascertained; and, on failure of any former guardian appointed by the court, or of an administrator, to comply with such order, his bond may be put in suit, and he may also be attached for contempt, and fined not exceeding three hundred dollars.

16. Every guardian appointed by the court having care of real estate shall, within three months after executing his bond, procure the said estate to be viewed and reported on by two skillful, discreet persons not related to either party, and appointed by said court, which two persons, before they proceed to act, shall swear, before some judge or justice, that they will appraise the same without favor or prejudice, and to the best of their skill and judgment; and it shall be the duty of the appraisers to examine the estate and estimate the annual value thereof, including any working-beasts and stock and utensils thereon belonging to the ward and proper to be leased with the land; they shall likewise set down in writing what dwelling-houses, out-houses, orchards, gardens, meadows, inclosures, and other improvements are on the land, and the condition thereof, and what proportion of the said land is, in their estimation, in woods; and they shall make a certificate, under their hands and seals, of the whole they have done, to which shall be annexed a certificate of their appointment and of their having taken the oath aforesaid, and the same shall be returned by the guardian to said court within three months as aforesaid, and the same shall be evidence against him in case of any suit for misconduct brought against him.

17. No guardian shall commit waste on the land, but the court may, on his application, allow him to cut down and sell wood, and account for the same, in case it shall deem the same advantageous or necessary for the ward's education and maintenance.

18. And each guardian having real estate under his care shall either cultivate the same, with the stock and utensils belonging to his ward, or to be purchased with his money, with the approbation of the court, or he shall lease the same from year to year, or for any term not exceeding three years, and within the nonage of his ward; or he may, with the court's approbation, undertake the estate on his own account, and be answerable for the annual value to be every third year ascertained under the direction of the court.

19. The rents of all real estate of an infant dying before such rents become due shall for the year in which such infant dies be paid to his guardian, and shall be accounted for by the guardian in the settlement of his accounts with said court, and the balance not appropriated for

the education and support of such infant for taxes, repairs, improvements, commissions, and expenses shall be paid by such guardian to the person entitled to the real estate at the death of such infant, and the guardian's bond shall be liable for the same.

20. If the guardian die before the recovery of such rent his administrator may recover the same, to be accounted for and appropriated in the same manner that the guardian if living would be held to account for the same.

21. Every guardian shall account for all profit and increase of his ward's estate, or the annual value as aforesaid, and shall not be answerable for any loss or decrease unless caused by his default, to be allowed by the court.

22. And once in each year, or oftener if required by the court, a guardian shall settle an account of his trust with it, which shall ascertain at its discretion the amount of the sum to be annually expended in the maintenance and education of the infant, regard being had to his future situation, prospects and destination; and said court may, if it be deemed necessary for the maintenance and education of the infant, or manifestly for his advantage, allow the guardian to exceed the income of the estate and to make use of the principal, and, under its order, direct him to sell any real estate of said infant, unless the sale of the same has been prohibited by the will of the testator from whom the same is derived, and may further direct the proceeds of such sale to be invested, or expended, as the circumstances may require.

23. In case the personal property of a ward shall consist of specific articles, such as working-beasts, animals of any kind, furniture, stock, plate, books, and so forth, the court may order a sale thereof, for ready money or on credit, the purchaser giving bond with security to the said ward, bearing interest; and all proceedings relative to said sale shall be as directed respecting sales by administrators.

24. Said court, if it shall think such sale advantageous to the ward, may also order any guardian to sell lease-hold estates of his ward, and shall order the proceeds to be invested in bank stock or any other good security, in the name of the ward, and no sale, transfer, or disposal of the said stock shall be made without the order of the court.

25. Said court may order any money belonging to a ward to be invested in like manner, and subject to the same restrictions as prescribed in the preceding section.

26. The said court may, also, if it shall think the same advantageous to the ward, order any guardian to lease any lease-hold estates of the ward, for the whole or any part of the unexpired term, on such terms as may be deemed advantageous: *Provided*, That such agreement for a lease shall not have any effect until reported to and approved by the court, and the rents arising on each lease shall be accounted for as other property or income of the ward.

27. In the event of any sale as aforesaid of the lease-hold or real estate, the court shall always direct a lien to be retained upon the estate sold for the payment of the purchase-money.

28. Said court shall order the location, sale, transfer, or assignment of any bounty-land warrant issued by the Government of the United States or descended to any infant heir or heirs in this District of deceased soldiers, under the age of twenty-one years, to be made by the guardians of such minor heirs, pursuant to the laws and regulations of the United States, as fully and effectually as can be done by adult holders of bounty-land warrants; which sale, transfer, or assignment shall vest in the purchasers of such bounty-land warrants, all right,

title, claim, and interest of the said infant owners thereof, either at law or in equity, in and to the same; and the money arising from such sale shall be accounted for by said guardians as herein provided.

29. And for the purpose of effecting the location, sale, transfer or assignment of bounty-land warrants under the preceding section, held by infants between the age of eighteen and twenty-one years, said court may, in such cases, appoint guardians to such female infants.

30. The court shall order a guardian, who has received from any trustee of a court of equity any proceeds of real estate of his ward sold by such trustee, to invest the same in such public stocks or on such security, permanent funds, as will at least net six per centum per annum; and the surplus interest of such investment, after what may be necessary for the maintenance and education of the ward, shall be invested in like manner, under the direction of the court, and no part of the principal shall be applied to the maintenance or education of the ward, unless said court shall so direct.

31. All moneys invested under the preceding section shall be invested in the name of the ward, and shall be transferable only under the order of said court, and all transfers without such order shall be void.

32. No guardian shall sell any property of his ward without an order of said court approving the bond of such guardian being first had and obtained; and any sale or removal without an order of court previously had shall be void, and no title shall pass thereby to the purchaser, and his guardianship may be revoked, and the same proceedings relative thereto shall be had as are prescribed herein in regard to sales made by administrators without such order.

33. When there are two or more guardians, and the sale or removal has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining guardian or guardians shall have full power to discharge all the duties connected with his or their office.

34. Nothing herein shall apply where a guardian has been appointed by will, with power to sell property without making a return of such sale to said court.

35. In the first account to be rendered by a guardian, he shall state the property by him received from an executor, administrator, or otherwise belonging to his ward, and every increase, and the profits thence arising, if any.

36. Every account of a guardian shall state his expenditures in maintaining and educating his ward, not exceeding the income of his estate, unless allowed by the court; and for no balance of money in his hands shall he be charged interest, unless he shall consent to take the same on interest, but the court may direct him to invest the same, and for the trouble and care of such guardian the court may allow any commission not exceeding ten per cent. on the annual income of the estate.

37. Any allowance which may be made by said court to a guardian for the clothing, support, maintenance, education, or for other expenses incurred by the guardian for his ward or his estate, and which shall have accrued subsequent to the death of the father of such ward, and before the guardian may have been appointed or given bond, shall have the same effect and operation in law, to all intents and purposes, as if such expense of the ward or his estate had accrued and become due subsequent to the time of the appointment of such guardian or his giving bond.

38. In all cases in which the mother or father is left the natural guardian of his or her infant children, said court is hereby authorized and

required to allow either as natural guardian, in the settlement of accounts, all such charges, expenses, and commissions as are or may be authorized by law in the case of other guardians.

39. On a guardian's failing to account, as herein directed, his bond shall be liable to be put in suit, and he shall also be liable to attachment and fine as aforesaid.

40. In case of the death of any guardian before an account of his guardianship shall have been settled with said court, it shall be the duty of his administrator to render such account, showing thereby the amount with which such guardian may be properly chargeable, and the disbursements made by the deceased guardian; and the account so rendered shall be examined by the court, and if found to be correct shall be admitted to record, in the same manner that other guardian accounts are examined and recorded.

41. In case of the death of any female guardian before a final account of her guardianship shall have been settled with said court, and who shall have a husband living at the time of her decease, it shall be the duty of such husband to render an account showing thereby the amount of money and property received, and the payments and disbursements made by such guardian, or that may have been received and paid by the husband, and not accounted for with the court; and the account so rendered shall be examined by said court, and if found to be correct shall be admitted to record in the same manner, and shall be subject to the same rules and regulations, as other guardian accounts.

42. If the husband shall neglect or refuse to render such account, (or if it be the case of a testamentary guardian, where he or she is obliged to render an account,) said court shall proceed against him by attachment, and may commit such husband until he shall render an account as aforesaid.

43. Every natural guardian, or guardian appointed by last will and testament of the estate and property of minors, shall settle an account of his guardianship, and shall be under the like rules and regulations hereinbefore prescribed for other guardians.

44. Said court may, in its discretion, upon the application in writing of any party interested, revoke the appointment of such guardian, and appoint a new guardian or guardians.

45. If any guardian whose appointment is revoked shall refuse or neglect, in a reasonable time after demand, to deliver over to such new guardian or guardians the property of his ward, the court may compel the same by attachment, and may direct the bond of such removed guardian to be put in suit.

46. Nothing contained in the two preceding sections shall be construed to relieve the guardian whose appointment is revoked from the liabilities of other guardians whose appointments are revoked.

47. Whenever said court, for any cause, shall revoke the guardianship of any guardian, and there be no remaining guardian, it shall appoint a new guardian; and if the party whose guardianship is revoked shall not, within a reasonable time, to be fixed by the court, deliver over to the remaining guardian (if there be one, if not, then to the new guardian) all the property of the ward remaining in the hands of the party whose guardianship is revoked, and also all the books, bonds, notes, and evidences of debt or funds, and also all title to property or stock which belong to, or are due to the ward, in the possession of the guardian, and also pay over to the remaining guardian (if there be one, if not, then to the new guardian) all the money due to said ward, the said court court may compel the delivery and payment over as afore-

said by attachment and sequestration of the property of the party whose guardianship may be revoked, and may direct his bond to be put in suit.

48. Where any infant shall be entitled to any legacy or distributive share of an estate, or any personal property in the hands of an administrator, and a guardian for such infant has been or may be appointed by said court, whose appointment, however, has been irregularly made, and is, or shall be, liable to be revoked or declared void, for any cause whatever, but shall not have been revoked or declared void, any payment or delivery to such guardian of such legacy, distributive share, or personal property by such administrator, shall have the same force, validity, and effect as respects such administrator, as if said guardian's appointment were regularly made, and not for any cause liable to be revoked or declared void.

49. Every such guardian so receiving money or other property belonging to his ward, shall be liable to account for the same, to be recovered by suit on his guardian-bond or otherwise, as provided by law in case of guardians duly and regularly appointed.

50. On a ward's arrival at age, or on the marriage of a female ward, the guardian shall exhibit a final account to said court, and shall deliver up agreeably to the court's order to the said ward, or to the husband, as the case may require, all the property of such ward in his hands, including bonds and other securities, and on failure, his bond may be put in suit, and he shall be liable to attachment and fine not exceeding three hundred dollars; and a female shall be of age at eighteen, for the purposes of this section.

51. It shall not be lawful for any person, not being guardian, or not having license from a guardian, to enter into, possess, or occupy any lands or tenements belonging to any orphan without first applying to said court where the land lies, and obtaining leave from it for such rents as it shall think just and reasonable, to be paid to such orphan on pain of being trespassers, and paying treble damages and full costs to such orphan, to be recovered by the guardian during the orphan's minority, or by the orphan when at full age.

52. Whenever said court shall be in any manner informed of any waste being done by any guardian upon any orphan's estate, the said court shall issue its warrant to cause such guardian to appear before it, and if, upon said guardian's appearance before it, and being heard in his defense, or on his refusal to appear, being summoned, such information shall appear to be true, the said court shall order the marshal with all possible speed to summon a jury upon the place where the waste shall be committed, to inquire upon their oath into the same, and of what damage such waste shall be to such orphans, which being returned to the said court, it is hereby required to oblige the guardian to give security for double the damages that shall be assessed by such jury, and in case of refusal, to commit such guardian to prison, there to remain until he shall comply with its order therein.

GUARDIANS AND INFANTS NOT RESIDING IN THIS DISTRICT.

53. Where any infant not residing in this District is entitled to any property or estate, real, personal, or mixed, or to any debts or choses in action in this District, or due by or recoverable from any person or persons, corporation or corporations in this District, or from any estate upon which letters testamentary or of administration have been granted in this District, having no guardian appointed in this District, but having a guardian appointed in the State or Territory in which the infant re-

sides, duly qualified according to the laws thereof, and who shall there have given good and sufficient security for the faithful performance of his trust as such or in words to that effect, then and in such case the supreme court of this District shall pass an order authorizing and empowering such non-resident guardian to take into his possession such property, and to sue for and recover such debts or choses in action: *Provided, however,* That before any such order shall be passed, such guardian shall first file a petition, setting forth the fact that such non-resident infant is or claims to be entitled to such property, debts, or choses in action, as hereinbefore mentioned, and shall also give bond, with security to be approved by the said court, in the same manner as if such infant resided in this district.

54. If any non-resident infant shall be entitled to any legacy, bequest, or distributive share, or to the proceeds of any sale made under a decree of court, or to any money or personal property in the hands of a trustee appointed by will, or shall be entitled to the proceeds of any sales of property in this District, or to any legacy, bequest, or distributive share of any personal property in the hands of any administrator or guardian in this District, and such infant has a guardian regularly appointed in the State or Territory of the United States in which such infant resides, such foreign guardian may obtain an order from the supreme court of this District for the payment, transfer, or delivery of such proceeds, legacy, bequest, or distributive share, upon the terms prescribed in the next preceding section.

55. The foreign guardian claiming under the preceding section shall state by petition that he is duly appointed guardian of such infant by the proper authority of the State or Territory where the infant resides; that he has given good and sufficient security for the faithful performance of his trust as guardian, and that as guardian he there has the custody of the person of such infant; and he shall set forth in such petition the entire amount of personal property, including that in this District, belonging to such infant, and also, the income of the real estate, if any, of such infant, which has come or is likely to come into the hands of such guardian; which petition shall be accompanied by a copy duly authenticated of the record of his appointment and qualification as such guardian, and of the bond or other instrument of security so given as aforesaid.

56. The petition shall be verified by the affidavit of such guardian, and the sufficiency of the security shall be proved by the affidavit of the chief clerk or prothonatory of the court by whom such security was taken, or by the affidavit of some other disinterested and credible witness; and upon the court being satisfied of the truth of the facts set forth in such petition, and of the sufficiency of such security, an order may pass for the purposes mentioned in the preceding sections.

57. The preceding sections only apply to such non-resident infants as shall, if males, be under the age of twenty-one years, or if females, under the age of eighteen years; and no order shall be passed on the petition of a foreign guardian where any person is entitled to a reversion, remainder, or executory devise in the money or property claimed, unless such guardian shall give such bond as may be required to be given by guardians in the next section.

58. Where any person shall be prospectively entitled to any remainder, reversion, or executory devise in any money or property claimed by a foreign guardian, upon the determination of the estate or interest of such infant therein, it shall be lawful for the court, in its discretion, before giving such order or direction as hereinbefore pro-

vided for, to require that such guardian, non-resident as aforesaid, or some other person, shall execute a bond to the United States in double the amount or value of such property, with a surety or sureties to be approved of by said court, conditioned that such property shall, at the determination of the estate or interest of such infant, be forthcoming in this District where such bond is taken, for the benefit of the person who may be entitled to such remainder, reversion, or executory devise, which bond shall be recorded in the office of the register of wills, and any person interested in said remainder, reversion, or executory devise, shall be entitled to a copy of said bond and a certificate from the register, under his hand and the seal of his office, upon which copy and certificate an action may be maintained in the name of the United States for the use of the party interested, and judgment may be recovered for the damage actually sustained.

59. All orders passed on the petition of a foreign guardian for the payment, transfer, or delivery of money or property, shall be enforced in the same manner and by the same remedies as if such guardian were appointed in this District.

60. In case any infant shall be entitled to any property, real or personal, in this District, and shall have no guardian or guardians in the place of the residence of the said infant duly qualified, and who shall have given bond with sufficient security for the performance of his trust, it shall be lawful for said court to appoint a guardian or guardians over the property or claim of such infant, which said guardian or guardians shall give bond with security in the same manner as if such infant resided in this District.

61. The guardian of any non-resident infant may, upon the order of the court to that end obtained, by deed duly executed, release and convey to any party entitled to the same, whether by purchase or otherwise, any lands or estates situated in this District, the property of such infant, or to or upon which such infant may have a claim or mortgage, in the same manner as he might have done if his authority had been derived from the tribunals of said District.

62. The provisions of this chapter, so far as they are practicable, shall apply to a committee, trustee, or guardian of any lunatic, appointed by the proper authority in any State or Territory of the United States, in which such lunatic resided.

63. Either new, additional, or counter security may be required of a guardian, as is hereinbefore provided in the case of an administrator; and if the guardian shall fail to give the same within the period fixed by the court, his authority shall be revoked, and the delivery of the property of his ward to a newly appointed guardian may be enforced in like manner as hereinafter provided in the following section of this chapter.

64. The court may order the delivery of the ward's property to his guardian. In the case of a legacy or bequest, the court shall order the delivery so soon as the same can be delivered without prejudice to the person administering; and in the case of a distributive share, as soon as the same shall be ascertained; and the court may enforce such delivery by a former guardian, administrator, or executor, by attachment and fine not exceeding three hundred dollars, and by suit upon his bond, or by sequestration.

65. No order shall be made directing a guardian to give new, additional, or counter security until he shall have been duly summoned to show cause against, or have had ten days' notice, in writing, of the intended application.

CHAPTER XI.—INVENTORY AND LIST OF DEBTS.

1. In every case wherein letters testamentary, or of administration, or of collection, are granted, in order that all persons interested in the personal estate may have an opportunity of knowing as nearly as may be the amount of the same, an inventory or inventories (in case the property cannot conveniently be collected together) shall be returned to the office of the register of wills or court granting the administration.

2. And on granting letters testamentary, or of administration, or of collection, a warrant or warrants shall issue under the seal of office, authorizing two persons of discretion not related to the deceased, nor interested in the administration, to appraise the goods, chattels, and personal estate of the deceased, known to them, or to be shown by the executor, or administrator, or collector.

3. The following shall be the form of the warrant: "The President of the United States to ——— and ———, greeting: This is to authorize you jointly to appraise the goods, chattels, and personal estate of ———, late of ———, deceased, so far as they shall come to your sight or knowledge, each of you having first taken the oath hereto annexed, a certificate whereof you are to return annexed to an inventory of the said goods, chattels, and personal estate, by you appraised in dollars and cents; and in the same inventory you are to set down in a column or columns opposite to each article, the value thereof. Witness A. B., chief judge of the supreme court of the District of Columbia. Test, C. D., register of wills for said District."

4. And on the death, refusal, or neglect to act, of any appraiser, another warrant may forthwith issue in its stead.

5. The appraisers, before they proceed to act, shall take the following oath annexed to or indorsed on the warrant, before any person authorized to administer an oath: "I, ——, do swear that I will well and truly, without partiality or prejudice, value and appraise the goods, chattels, and personal estate of ———, deceased, so far as the same shall come to my sight and knowledge, and will in all respects perform my duty as appraiser to the best of my skill and judgment: so help me God."

6. The appraisers shall proceed as conveniently as may be to the discharge of their duty, and shall set down each article with the value thereof in dollars and cents; all the valuations on one side of the paper shall be set down in one column distinctly in figures, opposite to their respective articles; the contents of each column shall be cast up and set down, and likewise the contents of the whole shall be cast up and set down under the last column.

7. When the inventory shall be finished, the appraisers shall certify the same under their hands and seals, and a certificate of their having taken the oath aforesaid shall be thereto annexed; and every inventory shall be returned to the proper officer within three calendar months from the date of the letters, or within such time from the date of the warrant, in case a second warrant shall have issued, as the case may require, unless further time on application of the party shall be granted by the court; and it shall be the duty of any administrator or collector taking out the warrant to return the inventory or inventories which shall be delivered to him by the appraisers; and on failure by the administrator or collector, attachment may issue to enforce the return. And on the attachment, the court shall have power to fine the party not exceeding thirty dollars.

8. If there be any of the persons interested in the administration

within three miles of the place where the personal estate is to be appraised, it shall be the duty of the administrator or collector, and of the appraisers, to give notice to the said persons, or at least two of them, of the time and place appointed for making the appraisement.

9. Every collector likewise shall (unless superseded) return within the time and under the form aforesaid, with an affidavit of the truth annexed, an inventory of the money of the deceased which he has collected, belonging to the deceased, or received in discharge of debts due to the deceased.

10. Whenever personal property of any kind, or assets not mentioned in any inventory already made, shall come to the possession or knowledge of an administrator or collector, an account or inventory of the same shall be returned, appraised by two respectable disinterested sworn appraisers, appointed by any justice of the peace or judge of said court within two calendar months from the time of the discovery.

11. In case an inventory be returned by a collector duly appointed, the administrator thereafter administering shall, within three months after the date of the letters, either return a new inventory in place of the collector's inventory, or an acknowledgment in writing that he has received from the collector the articles contained in the first inventory, or consent to be answerable for the same as if the said inventory had been made out after his administering upon the estate; but nothing herein contained shall be construed to render an administrator answerable for not making a return of the inventory aforesaid wherein it shall appear to the court that he has been prevented from making such return by the improper detention of the goods of the deceased by the collector.

12. If an executor or administrator shall not, within three months after the date of his letters, exhibit to said court an inventory as aforesaid, a summons returnable within not less than eight or more than thirty days may, ex officio, or on the application of a person interested, be issued against such administrator, to show cause wherefore such inventory has not been exhibited; and if the summons be duly returned, "summoned," and if he does not appear at the return of the summons, or appearing, shall not show cause satisfactory, the court may immediately enter on its proceedings and record that the letters be revoked, and may proceed to grant other letters in the same manner as if such executor had not been named in the will, or as if such administrator was not in existence; and the power of such executor or administrator shall thereupon cease, and he shall be bound to deliver up on demand to the person obtaining such letters all the property of the decedent in his hands, or be liable to be sued by such person on his administration bond, or the court may pass an order for the purpose.

13. If there be more than one administrator named in the letters, any one or more of them, on the neglect of the rest, may return an inventory, and the administrator so neglecting shall not thereafter interfere with the administration, or have any power over the personal estate of the decedent; but the administrator so returning shall thereafter have the whole administration, unless within two months after the return the delinquents shall assign to the court some reasonable excuse which it shall deem satisfactory.

14. Whenever the decedent shall leave a widow or widower, or child, or grandchild, his or her wearing apparel shall be exempt from appraisement, and shall belong to the child or children of the decedent, and if no child or children, to the grandchildren, and if there be neither child nor grandchild, to the widow or widower of the decedent, and his administrator shall divide the same among them (if there be more than

one entitled) as he may think equitable and proper; but wearing apparel shall not include watches or jewelry of any description.

15. The provisions which at the death of any decedent shall have been laid up for the consumption of his family at his home, shall not be sold or included in the inventory of his estate, but shall remain for the use of the family of such decedent.

16. With the exception of the articles enumerated in the last two preceding sections, all the assets of the deceased shall be included in such inventory.

17. The following shall be deemed and taken for assets in the hands of an administrator, to wit: Leases for years, estates for the life of another person or persons, except those granted to the deceased and his heirs only; a common warrant for land not executed or located in the life-time of the deceased; and all goods, wares, merchandise, utensils, furniture, cattle, stock, provisions, and every kind of produce, the crop on the land of the deceased by him or her begun, things annexed to the freehold or building which may be removed without prejudice to the building, ornaments, and every species of personal property, (except those things which are denominated heir-looms and the ornaments and jewels of a widow proper for her station, and the clothing of the family.)

18. Every administrator shall likewise return within the time and under the pain aforesaid, with an affidavit of the truth annexed, an inventory of the money belonging to the deceased, which has come to his hands, and a list of the debts due to the deceased which have come to his knowledge, specifying the nature of each debt, and setting down such as he shall deem sperate, distinct and separate from those which he shall deem desperate or doubtful.

19. It is not the intent of this article that an administrator shall be answerable at all events for a debt which he shall return sperate, but merely to enable the court and all parties concerned to form a just estimate of the circumstances of the decedent.

20. The court shall examine every list of debts returned by an administrator, and for every debt which the court shall not mark as desperate or improper to be put in suit, the administrator shall commence a suit, unless the debt be paid within six months thereafter, or unless the debtor be out of the District, or unless the court shall think reasonable an excuse made within one month after the lapse of the said six months for not bringing suit; and on failure to bring suit as aforesaid, the party shall be liable to a suit on his administration bond, and to such damages as shall be found by the jury.

21. The bare naming an executor in a will shall not operate to extinguish any just claim which the deceased had against him; but it shall be the duty of every such executor accepting the trust, to give in such claim in the list of debts; and on his failure to give in such claim, or any part thereof, any person interested in the administration may allege the same by petition to the court granting the administration, and the said court, with the consent of the parties, may decide on the same, or it may be referred by the parties with the court's approbation, or at the instance of either party the court may direct issue or issues to be tried, and the same shall be tried as other issues; and the court shall have power to direct the jury and grant a new trial, and the verdict, or finding of the jury, shall establish or destroy the claim, or any part thereof; and if the executor shall give in such claim, or any part thereof be established as aforesaid, he shall account for the sum due, in the same manner as if it were so much money in his hands, and on failure his bond may be put in suit.

22. In like manner it shall be the duty of every administrator to give in a claim against himself, and on giving it, or failure to give it in, there shall be the same proceedings in every respect as are herein prescribed in regard to an executor.

23. The purchase money of land sold by a decedent and conveyed by his administrator after his death, received by the administrator, shall be returned as a separate debt due the estate of the decedent.

CHAPTER XII.—OF CERTAIN PROBATE POWERS OF THE SUPREME COURT OF THE DISTRICT.

1. The court shall have full power to take probate of wills, grant letters testamentary and of administration, direct the conduct and settling the accounts of executors and administrators, superintend the distribution of the estates of intestates, secure the rights of orphans and legatees, and to administer justice in all matters relative to the affairs of deceased persons.

2. Whenever a will or codicil shall be exhibited for probate to the court, if any of the witnesses to the same shall reside out of said District, or be temporarily absent therefrom at the time when said will or codicil shall be so exhibited for probate, it shall and may be lawful for said court to issue, upon personal notice of not less than twenty days to all parties in interest, a commission to one or more competent persons to take the deposition of such absent witness or witnesses, in such form as said court may prescribe, touching the execution of such will or codicil, and the competency of the testator or testatrix, at the time of the execution thereof, and such deposition when returned to said court shall be received therein as competent evidence, and have the same force and effect as if said witness or witnesses were personally present and testifying in said court: *Provided*, That in all such cases the original will or codicil shall accompany such commission, and be exhibited to the witnesses so testifying.

3. The court shall have full power, authority, and jurisdiction to examine, hear, and decree upon all accounts, claims, and demands existing between wards and their guardians, and between legatees or persons entitled to any distributive share of an intestate's estate, and executors and administrators, and may enforce obedience to an execution of their decrees.

4. The court may, on the application of an infant or any person in his behalf, suggesting improper conduct in any guardian whatever, either in relation to the care and management of the property or person of any infant, inquire into the same, and at its discretion remove such guardian and make choice of another, who shall give security, and conduct himself in the manner herein prescribed, and shall receive the property and custody of the said ward.

5. The court may issue a summons for any person concerned in the affairs of a deceased person for a witness, or any other person whose appearance in said court shall be deemed necessary or proper for any purpose. And such summons shall be returnable in its discretion, and it may enforce obedience to its summons by attachment, and may punish the party for his contempt by a fine not exceeding thirty dollars.

6. The court may, if a witness before the court shall refuse to give evidence, commit him to jail until he give evidence or be discharged according to law, or it may attach and sequester his estate.

7. The court may, whenever two summonses shall be regularly returned "non est" by the marshal or other proper officer, issue an attachment against his lands and tenements, goods and chattels, and upon return thereof, with a schedule of the property annexed, may, by order or commission under seal, authorize some person or persons to take into his or their custody the property contained in such schedule, or any part thereof, and to receive the profits thereof, to be accounted for until the party summoned shall appear and obey the order of the court, or until further order; and the marshal or other proper officer shall deliver the property accordingly. And the person or persons to whom the same shall be committed, shall, before receiving the same, give bond with security in such penalty as the court shall direct, for rendering a true account of such property and the profits, and for the delivery of the same according to the order of the court, deducting such allowance lor loss, and such commission, not exceeding five per centum, as the court shall allow; and such bond shall be recorded, and be in all respects on a footing with an administration bond.

8. It may, whenever the purpose for which the property was sequestered is answered, order the same and the profits thereof, deducting for loss and commission as aforesaid, to be delivered to the party or to his heirs, devisees, or legal representatives, upon their respective applications, and satisfying the court of the parties' right in case the purposes for which the attachment was issued cannot be answered.

9. The court may, in its discretion, and whenever it shall seem proper, either ex officio or upon application, order any administrator to whom it may have granted administration, or any guardian whom it may have appointed, or whose bond it may have approved, to bring into court, or place in bank, or invest in bank or other incorporated stock, or any other good security, any money or funds received by such administrator or guardian; and the court shall direct the manner and form in which such money or funds shall be placed in bank or invested; and the same shall at all times be subject to the order and control of the court, and if the administrator or guardian shall not, within a reasonable time to be fixed by the court, comply with the order, his administration or guardianship may be revoked.

10. If an administrator shall believe that any person conceals any part of his decedent's estate, he may file a petition in said court alleging such concealment, and the court shall compel an answer thereto on oath, and, if satisfied upon an examination of the whole case that the party charged has concealed any part of the personal estate of the deceased, may order the delivery thereof to the administrator, and may enforce obedience to such order by attachment, imprisonment, or sequestration of property.

11. The provisions of the aforegoing section are extended to all cases where any person interested in any decedent's estate shall, by bill or petition, allege that the administrator has concealed, or has in his hands and has omitted to return in the inventory or list of debts, any part of his decedent's assets; and if the court shall finally adjudge and decree in favor of the allegations of such petition or bill, in whole or in part, it shall order an additional inventory, or list of debts, as the case may be, to be returned by the administrator, and appraisement to be made accordingly, to comprehend the assets omitted; and such additional inventory or list of debts shall have the same effect, to all intents and purposes, as any inventory or list of debts before returned; and the court may compel obedience to the said order by attachment and imprisonment and sequestration of property; and if the said administrator shall, either before or after such process of attachment, imprisonment, and

sequestration, fail to comply with such order, his administration may be revoked, and the court may direct his bond to be put in suit, and the assets ordered to be comprised in such additional inventory or list of debts shall be decreed and taken to be within the condition of said bond.

12. Whenever any joint administrator or executor shall apprehend that he is likely to suffer by the negligence or misconduct in the administration, improper use, or misapplication of the assets of the estate by any executor or administrator, he shall, after summoning such joint administrator and giving him ten days' notice, in writing, of the character of the application, make complaint to the court; and if the same shall be adjudged well founded, the court shall have authority, in its discretion, to revoke the powers and authority of the executor or administrator so complained of, and to enforce, by attachment and commitment if necessary, the surrender and delivery to the remaining executor or administrator of the assets and of all book-accounts and evidences of debt of the estate that may be in the possession or control of the person so dismissed from the administration, and the remaining executors or administrators shall have remedy by an action of tort for the recovery of any loss or damage they may be subject to or suffer by the executor or administrator whose powers shall have been revoked as aforesaid.

13. Whenever the court shall revoke letters testamentary, or of administration, or of guardianship, it shall be the duty of the party whose letters or guardianship may be revoked forthwith to render to such court an account of his administration or guardianship up to the period of the rendition of such account; and in case he shall fail to do so within the time fixed by such court, the court may compel the rendition of such account by attachment, sequestration of property, and imprisonment of the party so failing until such account shall be rendered as aforesaid.

14. When the court shall revoke any letters testamentary or of administration, and there be no remaining executor or administrator, it shall be the duty of the court to appoint a new administrator; and if the party whose letters testamentary or of administration may be revoked shall not within a reasonable time, to be fixed by the court, deliver over to such new administrator, or to the remaining executor or administrator, as the case may be, all the property of the deceased remaining in his hands unadministered, and also all the books, bonds, notes, and evidences of debt or funds, and all title to property or stocks which belong to, or are due, or which may become due, to the decedent, in his possession, and also pay over to such new administrator, or remaining executor or administrator of the decedent, all the money due to him as executor or administrator of the decedent, the court may compel the delivery and payment over as aforesaid by attachment and sequestration of the property of the party whose letters may be revoked, and may also direct to be put in suit the administration or testamentary bond of such executor or administrator whose letters have been revoked.

15. If a judgment shall be obtained against an executor or administrator, who has been made a party to a suit in the place of an executor or administrator whose letters have been revoked, and it shall not be found by the jury that the executor or administrator against whom such judgment has been rendered has assets sufficient to discharge the same, the plaintiff in such judgment may also issue a scire facias on such judgment against the executor or administrator whose letters have been revoked, suggesting that such executor or administrator did receive assets of the deceased, liable to such judgment, more than was paid over or delivered by such executor or administrator, to the persons obtaining the said letters testamentary or of administration, and if the same shall

be controverted, it shall be ascertained by a jury in the same manner as in cases of scire facias suggesting assets against the second executor or administrator, and in case of a verdict and judgment being given against such former executor or administrator, execution may issue thereon in the same manner as against other executors or administrators, and the plaintiff may also sue the bond of such former executor or administrator.

16. The court may, in all cases of controversy therein, upon the application of either party, direct a plenary proceeding by bill or petition, to which there shall be an answer on oath; and if the party refuse to answer any matter alleged in the bill or petition proper for the court to decide upon, he may be attached, fined, and committed, or his property may be attached and sequestered.

17. On such plenary proceeding, all the depositions shall be taken in writing and recorded; and if either party require it, the court shall direct an issue or issues to be made up and sent to the circuit court, and the issues shall be tried in said court as soon as convenient, without any continuance longer than may be necessary to procure the attendance of witnesses; and the power of said circuit court and the proceedings thereto relative, shall be as directed by law respecting the trial of issues; and the court sending the issue shall give judgment or decree upon the bill and answer, or the bill, answer, and depositions, or finding of the jury, and may in all cases of contest award costs in its discretion, and compel payment by attachment and fine, or by attachment and sequestration.

18. In all cases of plenary proceedings, or caveat filed in said court where any motion or application to the court shall be made in writing, it shall be the duty of the court to reduce to writing, and sign the order or decree that may be made by it on such motion or application, and the said motion or application to the court, and the order or decree thereon, shall be filed as a part of the proceedings, and in case of appeal from the final decree of the court, be transmitted to the appellate court with the other proceedings, and be subject to the judgment and revision of such appellate court.

19. Every judgment, decree, decision, or order of the said court may be enforced by attachment and sequestration, as aforesaid; and if the said judgment, decree, decision, or order be for paying money, the property sequestered may, at the discretion of the court, be applied to the purpose for which such judgment, decree, decision, or order was given.

20. Where the appearance of a party required to be notified is necessary to the determination of any matter cognizable under the probate powers of the court, and it appears, by the return of an officer, that such person cannot be found, or by affidavit that such person is a nonresident of this District, or that his residence is unknown, notice may be given him of the pendency of the proceedings by publication, in such manner as the court may direct; and the court may proceed upon such notice as if the summons had been personally served.

CHAPTER XIII.—REGISTER OF WILLS.

1. There shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a register of wills in and for the District of Columbia.

2. The register of wills of the District of Columbia shall, before he acts as such, give a bond, with two or more sureties, (to be approved

by the chief justice of the supreme court of said District for the time being,) to the United States, in the sum of five thousand dollars, faithfully to discharge the duties of his office and seasonably to record the decrees and orders of said court, and all wills proved before said court, and all other matters by existing laws, or any law hereafter passed, directed to be recorded in said court, or in the office of said register, which bond shall be entered in full upon the minutes of said court, and the original filed with the records thereof.

3. The said register shall also, before he acts as such, be sworn to the faithful discharge of the duties of his office, which oath shall be administered by any one of the justices of the supreme court of the District of Columbia.

4. He shall keep a seal, which shall be affixed to all certificates of the court or of the register, and to every process and writ issued from the court pertaining to its probate jurisdiction.

5. The register shall diligently attend each meeting of the court and, under its direction, make full and fair entries of its proceedings, and also make a fair record, in a strong bound book or books, of all wills proved before said court, or authenticated according to law, and of all other matters by law directed to be recorded in the said court, or in his office; he shall make out and issue every summons, process, or order of the court, and shall in every respect act under its control and direction, as the clerk of a court of law is under the direction of the said court of law; and he shall give out and certify, under the seal of the court, any copy of any part of the proceedings in the court, or in his office, which any person may demand, and he shall be entitled to a reward for any service by him done, according to the table of fees now or hereafter settled by law.

6. He shall attend his office daily in person or by deputy, unless prevented by sickness, accident, or necessity, for the dispatch of office business; he shall lodge every original paper and record by him made up in some repository of the court-house of the District of Columbia, or in such other place of safety as the said court may appoint.

7. He may, in the recess of the court, receive inventories and accounts of sales, examine vouchers, and state guardians' and administrators' accounts, subject to the review of and final passage or rejection by the court.

8. He may take probate of accounts against deceased persons' estates, that are proper to be brought before him, or before the court, for passage or settlement.

9. He may, in the recess of the court, pass any account against the estate of any deceased person, where the amount of such account or claim does not exceed the sum of three hundred dollars; and shall keep a record of every claim passed by him, in the same manner as of claims passed by the court.

10. He shall not demand, take, or receive from any person any fee, gratuity, gift, or reward, for giving his advice in any matter or thing relative to his office, under the penalty of one hundred dollars.

11. In all cases where a register of wills has been appointed auditor for the purpose of ascertaining the sum for which judgment shall be rendered against any executor or administrator, it shall be his duty to act in virtue of such appointment, under the penalty of fifty dollars for every such neglect; and in all cases where a person other than the register of wills has been appointed as aforesaid, who shall refuse to act, the register of wills shall be appointed auditor in the place of the person refusing, and shall forthwith proceed to discharge the duties thereof,

under the penalty above mentioned. And the said register, and every other person who shall act as auditor, shall be allowed for his trouble the same fee as the register is by law entitled to receive for the stating an account of the same number of sides which any statement by him to be made, as auditor, shall contain, to be paid by the plaintiff to such auditor, and to be allowed to such plaintiff in his costs against the executor or administrator, as other costs are taxed against them.

12. The register of wills shall enter in a suitable book, to be provided by him for that purpose, all claims against a decedent, in regular order, as they are passed by the court or register, giving the date of the passage, the name of the creditor, the character of such claim, whether open account, note, bond, bill obligatory, judgment, or other evidence of debt, and the amount thereof; if an open account, the interest due thereon up to the date of the passage, shall be stated separately; if a note, bond, bill obligatory, judgment, or other evidence of debt, the date thereof, and the date from which interest begins to run, shall also be stated, and other particulars of such claims; and the entry of a claim upon such book shall be taken as notice to the administrator of its existence; and the register of wills shall be entitled to receive, for making such entry of each claim, the sum of ten cents, to be paid by the claimant.

13. The claims thus entered shall not afford any evidence as to the justness or correctness of any debt therein entered, whenever the same shall be controverted by any administrator in any suit instituted for the recovery of such debt; nor shall the same be construed to take any debt out of the operation of the plea of limitations.

14. The provisions of sections 2, 3, and 4, of Title I, Chapter II, Part III of these revised laws shall apply to the register of wills as well as to the clerk of the court.

15. The register of wills shall have power to administer all oaths.

CHAPTER XIV.—SALES.

1. In case any executor or administrator shall not have money sufficient to discharge the just debts of and claims against the decedent, the court granting the letters shall, on his application made after the return of an inventory, direct a sale of the whole property therein contained, or of such part, or to such an amount as the court may think proper; and the court shall direct the manner and terms of sale: *Provided*, That no credit exceeding twelve months be given, and that where credit is given, bond with security shall be taken; the court shall have power, in case it shall suspect any fraud, collusion, connivance, or improper management to affect the sale, or that it was unreasonably made, or that the property was sold much under its value, to compel the said executor or administrator to account for all such deficiencies as may have arisen by such executor or administrator's misconduct, the court always observing the inventory as its rule for ascertaining such deficiency.

2. The said court shall have power to direct a sale as aforesaid, in case it shall deem a sale advantageous for the persons interested in the administration, either ex officio or on application of any of the said persons.

3. No executor or administrator shall sell any property of his decedent without an order of said court granting his letters being first had

and obtained, authorizing such sale, and any sale made without an order of court previously had as aforesaid, shall be void, and no title shall pass thereby to the purchaser.

4. If any executor or administrator shall sell or remove any property without an order of said court, the court may revoke his letters as soon as it is satisfied of such sale or removal having taken place, and appoint an administrator, whose duty it shall be immediately to proceed to get possession of the property so sold or removed, and said court may authorize the administrator so by it appointed, to employ an attorney or attorneys to assist in the recovery of said property, and determine the amount of fees to be paid therefor, and any cost or expense incurred in getting possession of said property, ascertained and awarded to be paid by the said court, shall be paid by the person whose letters have been revoked, and may be recovered by an action on his testamentary or adminstration bond, at the suit of the newly-appointed administrator.

5. Where there are two or more executors or administrators, and the sale or removal has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining executor or administrator shall have full power and authority to discharge all the duties connected with his office, as if no revocation had been made.

6. Nothing contained in the three last preceding sections shall be construed to apply to any cases where an executor shall be authorized, by will of his testator, to make sale of any property without application to said court.

7. The coarse provender, including under that denomination only corn tops, corn shucks, wheat, oats and rye straw, that may be at the time of the sale on the farm or lands of any person dying within this District, shall not be sold by the administrator, but shall be left upon the farm for the use thereof: *Provided*, The person so dying shall leave issue or relations who may inherit the said lands from him, or a devisee to whom he may have devised the same.

8. An administrator shall either finish the crop on hand at the death of the decedent, or sell the same, as he shall judge the most convenient; and in case he shall not deem it convenient to finish the crop, the person entitled to the land, on the death of the decedent or his guardian, or next friend for him, in case of infancy of the party, may take the said crop at the appraisement of the appraisers, paying ready money, or giving bond with good security approved by said court or the register of wills, if the said court shall not be in session at the time of making such sale, for paying the money within six months; and in case the said party, or his guardian, shall not take the crop at the appraisement, the administrator may sell the same to any other person for ready money, or on credit as aforesaid: *Provided*, That he shall not sell it at less than the appraised value, without the approbation of said court granting the administration, or an order prescribing the terms, by the said court, passed as aforesaid.

TITLE IV.—OF PERSONAL PROPERTY.

CHAPTER I.—BILLS OF SALE, MORTGAGES, AND DEEDS OF TRUST OF PERSONAL PROPERTY.

No personal property of any description, whereof the vendor, mortgagor, or donor shall remain in possession, shall pass, alter, or change, or any property thereof be transferred to any purchaser, mortgagee, or donee, unless the same be by writing, acknowledged and recorded as herein provided; but nothing herein shall be construed to make void any such sale, mortgage, or gift, against such seller, mortgagor, or donor, or any person claiming under him.

Bills of sale, mortgages, and deeds of trust of personal property may be acknowledged according to the form prescribed for the acknowledgement of deeds of land, and before the same officers.

Every bill of sale, mortgage, or deed of trust of personal property shall bind the parties to it from the delivery thereof; those having actual notice, from the time of notice thereof; and every other person from the time when it is delivered for record in the office of the recorder of deeds.

Mortgages and deeds of trust of personal property may be assigned and released in the same manner as mortgages and deeds of trust of real property, according to the rules hereinbefore prescribed for the assignment and release of the same.

CHAPTER II.—OF THE ENFORCEMENT OF LIENS ON BOATS AND OTHER WATER-CRAFT.

First. All boats, vessels, and water-craft of every description, found in the waters of this District, shall be liable:

1. For all debts contracted by the master, owner, agent, clerk, or consignee thereof, on account of supplies furnished for the use of the same, on account of work done or services rendered for the same, by boatmen or mariners, or any other persons, or on account of work done or materials furnished in building, repairing, fitting out, furnishing, or equipping such boat, vessel, or water-craft.

2. For all sums due for wharfage, anchorage, or tonnage of such boats, vessels, or water-craft within this District.

3. For all demands or damages arising out of any contract of affreightment, or any willful or negligent act of the master, owner, or agent thereof, done in connection with the business of such boat, vessel, or water-craft, or any contract relative to the transportation of persons or property entered into by the master, owner, agent, clerk, or consignee thereof.

4. For all injuries to persons or property by such boat, vessel, or water-craft, or by the officers or crew, done in connection with the business of the same.

Second. Claims growing out of the above causes shall be liens upon the boat, vessel, or water-craft, their apparel, tackle, furniture, and appendages, including barges and lighters belonging to the owners of the

boat, vessel, or water-craft, and used therewith at the time the action is commenced.

Third. Liens under the provisions of this chapter shall have precedence over all other liens of claims against such boat, vessel, or water-craft, except the liens of creditors or claimants secured by mortgage, deed of trust, or bill of sale, properly executed and recorded before the claim to be secured by any such first-mentioned lien shall have accrued. And as between the liens enumerated in the first section of this chapter, mariners' and boatmen's wages shall be first preferred.

Fourth. Any person aggrieved may have an action against such boat, vessel, or water-craft by name, or the owners thereof, to enforce any such lien as is enumerated in the first section of this chapter; and if the complaint in such action shows the particulars of the demand, the amount due, and a demand made upon the owner, master, clerk, or consignee thereof, and refusal of payment, and verified by the affidavit of the plaintiff or other person in his behalf, a writ of attachment shall be issued by the clerk of supreme court of the District against the boat, vessel, or other water-craft, and the tackle and furniture thereof, which shall be directed, executed, and returned as a writ of attachment in other cases.

Fifth. In all actions contemplated in the section next preceding, all or any of the persons having demands of the description therein mentioned may join in a complaint against such boat, vessel, or water-craft, either at the commencement of the action or at any time afterward before judgment, upon filing the requisite complaint and affidavit.

Sixth. In such actions, proceedings shall be had, judgment rendered and enforced by execution or other proper means, as in other cases.

Seventh. If the master, owner, or consignee shall, before final judgment in any action commenced in pursuance of the provisions of this chapter, enter into a written undertaking in favor of the plaintiff, with sufficient security to be approved by the marshal, conditioned for the performance of the judgment of the court, the attachment shall be discharged and restitution made of the boat, vessel, or water-craft.

Eighth. Liens secured by mortgage, deed of trust, or bill of sale, properly executed and recorded, may be enforced as provided for in section four of this chapter, or by decree of the supreme court sitting in equity, or by summary sale after reasonable notice when provided for in said mortgage, deed of trust, or bill of sale.

Ninth. In cases arising under the first section of this chapter the summons may be served upon the officer or consignee making the contract; if such cannot be found, then upon the clerk; or if he cannot be found, upon any other officer of the boat, vessel, or water-craft, or any person having charge thereof; if that cannot be done, by fixing a copy of the summons in some conspicuous place in the boat, vessel, or water-craft.

Tenth. The action may be brought before any justice of the peace, when the amount claimed is within his jurisdiction; and in such actions justices of the peace shall have the powers and perform the duties prescribed for the clerk and court, and constables shall have the powers and perform the duties of marshal.

CHAPTER III.—PROMISSORY NOTES, BILLS OF EXCHANGE, BONDS, AND ASSIGNMENTS.

All notes in writing made and signed by any person or corporation, or by the agent thereof duly authorized, whereby such person or corpo-

ration shall promise to pay to any other person or corporation, his or their order, or unto bearer any sum of money mentioned in such note, shall be taken and construed to be due and payable to such person or corporation to whom the same is made payable; and also every such note payable as aforesaid shall be assignable or indorsable over, in the same manner as inland bills of exchange are or may be, according to the custom of merchants; and the person or corporation to whom such note is made payable or is indorsed or assigned may maintain an action for the same as upon inland bills of exchange.

Upon a promissory note payable on demand, a demand made at the expiration of ninety days from the date thereof, without grace, or at any time within that term, shall be deemed to be made within a reasonable time; and any act, neglect, or other thing, which by the rules of law and the custom of merchants is deemed equivalent to a presentment and demand on a note payable at a fixed time, or which would dispense with such presentment and demand, if it occurs at or within said ninety days, shall be deemed a dishonor thereof, and shall authorize the holder of such note to give notice of the dishonor to the indorser, as upon a presentment to the promisor and his neglect or refusal to pay the same. No presentment of such note to the promisor and demand of payment shall charge the indorser, unless made on or before the last day of said term of ninety days.

The several indorsers of promissory notes payable on demand, upon due and seasonable notice of the dishonor of such notes, shall be liable in the same manner and to the same effect as upon the dishonor of promissory notes payable at a fixed time, and not otherwise.

All notes made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect, and be of the same validity as against the maker, and all persons having knowledge of the facts, as if payable to bearer.

Bonds and other obligations under seal for the payment of money purporting to be payable to the bearer, or some person designated or bearer, or payable to order, issued by any corporation or joint stock company, shall be negotiable in the same manner and to the extent as promissory notes.

In case, upon the presentation of any inland bill of exchange, the party on whom the same shall be drawn shall refuse to accept the same, the party, his agent or assigns, to whom the said bill is made payable, may cause the said bill to be protested for non-acceptance as in case of foreign bills of exchange.

No acceptance of any bill of exchange shall be sufficient to charge any person whomsoever, unless the same be underwritten or indorsed in writing thereupon.

If a person accept a bill of exchange, promissory note, payable at the house of a banker, or other place, without further expression in his acceptance, such acceptance shall be deemed a general acceptance, and the presentment of the bill for payment may be either at such place or as it might have been if no such place had been specified in the acceptance.

If an acceptor shall, in his acceptance, express that he accepts the bill payable at a banker's house, or other place only, and not otherwise or elsewhere, such acceptance shall be deemed a qualified acceptance, and in such case the presentment of the bill for payment shall be at the place specified in such qualified acceptance.

But as against the maker of a note or the acceptor of a bill, whether the acceptance be general or qualified, it shall not be necessary to aver

or prove presentment for payment at the time or place specified in the note, bill, or acceptance. Such maker or acceptor may, however, set up, as a matter of defense, any loss sustained by him by reason of the failure to make such presentment.

If a bill of exchange wherein the drawer shall have expressed that it is to be payable in any place other than that by him mentioned therein to be the residence of the drawee, shall not, on the presentment thereof for acceptance, be accepted, such bill may, without further presentment to the drawee, be protested for non-payment in the place in which it shall have been, by the drawer, expressed to be payable, unless the amount thereof be paid to the holder on the day on which the bill would have become payable, had it been duly accepted.

Every person upon whom a bill of exchange is drawn, and to whom the same is delivered for acceptance, who shall destroy such bill, or refuse, within twenty-four hours after such delivery, to return the bill, accepted or non-accepted, to the holder, shall be deemed to have accepted the same.

Whenever any bill of exchange, drawn or indorsed within this District and payable without the limits of the United States, shall be duly protested for non-acceptance or non-payment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand, and damages at the rate of ten per cent. upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of bill, damages, and interest shall be in full of all damages, charges, and expenses.

If any bill of exchange, drawn or indorsed within this District and payable at any place without this District, but within the United States, shall be duly protested for non-acceptance or non-payment, the drawer or indorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill, with legal interest, or according to its tenor, and three per cent. damages, together with the costs and charges of protest.

On all bills of exchange payable at sight, or at a future day certain, within this District, and on all negotiable promissory notes, orders, and drafts, payable at a future day, within this District, in which there is not an express stipulation to the contrary, grace shall be allowed, except as is provided in the following section, in like manner as has heretofore been customary in this District.

The provisions of the last preceding section shall not extend to any bill of exchange, draft, or note payable on demand.

In all cases where a notice of non-acceptance of a bill of exchange, or non-payment of a bill of exchange, promissory note, or other negotiable instrument, may be given by sending the same by mail, it shall be sufficient if such notice be directed to the city, town, or place where the party sought to be charged resided at the time of drawing, making, or indorsing such bill of exchange, promissory note, or other negotiable instrument, unless such person, at the time of affixing his signature to such bill, note, or negotiable instrument, shall, in addition thereto, specify thereon the post-office to which he may require the notice to be addressed.

The following days, to wit, the first day of January, commonly called New-Year's day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within this District, and shall, for all purposes of presenting for payment or acceptance for the maturity and

ration shall promise to pay to any other person or corporation, his or their order, or unto bearer any sum of money mentioned in such note, shall be taken and construed to be due and payable to such person or corporation to whom the same is made payable; and also every such note payable as aforesaid shall be assignable or indorsable over, in the same manner as inland bills of exchange are or may be, according to the custom of merchants; and the person or corporation to whom such note is made payable or is indorsed or assigned may maintain an action for the same as upon inland bills of exchange.

Upon a promissory note payable on demand, a demand made at the expiration of ninety days from the date thereof, without grace, or at any time within that term, shall be deemed to be made within a reasonable time; and any act, neglect, or other thing, which by the rules of law and the custom of merchants is deemed equivalent to a presentment and demand on a note payable at a fixed time, or which would dispense with such presentment and demand, if it occurs at or within said ninety days, shall be deemed a dishonor thereof, and shall authorize the holder of such note to give notice of the dishonor to the indorser, as upon a presentment to the promisor and his neglect or refusal to pay the same. No presentment of such note to the promisor and demand of payment shall charge the indorser, unless made on or before the last day of said term of ninety days.

The several indorsers of promissory notes payable on demand, upon due and seasonable notice of the dishonor of such notes, shall be liable in the same manner and to the same effect as upon the dishonor of promissory notes payable at a fixed time, and not otherwise.

All notes made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect, and be of the same validity as against the maker, and all persons having knowledge of the facts, as if payable to bearer.

Bonds and other obligations under seal for the payment of money purporting to be payable to the bearer, or some person designated or bearer, or payable to order, issued by any corporation or joint stock company, shall be negotiable in the same manner and to the extent as promissory notes.

In case, upon the presentation of any inland bill of exchange, the party on whom the same shall be drawn shall refuse to accept the same, the party, his agent or assigns, to whom the said bill is made payable, may cause the said bill to be protested for non-acceptance as in case of foreign bills of exchange.

No acceptance of any bill of exchange shall be sufficient to charge any person whomsoever, unless the same be underwritten or indorsed in writing thereupon.

If a person accept a bill of exchange, promissory note, payable at the house of a banker, or other place, without further expression in his acceptance, such acceptance shall be deemed a general acceptance, and the presentment of the bill for payment may be either at such place or as it might have been if no such place had been specified in the acceptance.

If an acceptor shall, in his acceptance, express that he accepts the bill payable at a banker's house, or other place only, and not otherwise or elsewhere, such acceptance shall be deemed a qualified acceptance, and in such case the presentment of the bill for payment shall be at the place specified in such qualified acceptance.

But as against the maker of a note or the acceptor of a bill, whether the acceptance be general or qualified, it shall not be necessary to aver

or prove presentment for payment at the time or place specified in the note, bill, or acceptance. Such maker or acceptor may, however, set up, as a matter of defense, any loss sustained by him by reason of the failure to make such presentment.

If a bill of exchange wherein the drawer shall have expressed that it is to be payable in any place other than that by him mentioned therein to be the residence of the drawee, shall not, on the presentment thereof for acceptance, be accepted, such bill may, without further presentment to the drawee, be protested for non-payment in the place in which it shall have been, by the drawer, expressed to be payable, unless the amount thereof be paid to the holder on the day on which the bill would have become payable, had it been duly accepted.

Every person upon whom a bill of exchange is drawn, and to whom the same is delivered for acceptance, who shall destroy such bill, or refuse, within twenty-four hours after such delivery, to return the bill, accepted or non-accepted, to the holder, shall be deemed to have accepted the same.

Whenever any bill of exchange, drawn or indorsed within this District and payable without the limits of the United States, shall be duly protested for non-acceptance or non-payment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand, and damages at the rate of ten per cent. upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of bill, damages, and interest shall be in full of all damages, charges, and expenses.

If any bill of exchange, drawn or indorsed within this District and payable at any place without this District, but within the United States, shall be duly protested for non-acceptance or non-payment, the drawer or indorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill, with legal interest, or according to its tenor, and three per cent. damages, together with the costs and charges of protest.

On all bills of exchange payable at sight, or at a future day certain, within this District, and on all negotiable promissory notes, orders, and drafts, payable at a future day, within this District, in which there is not an express stipulation to the contrary, grace shall be allowed, except as is provided in the following section, in like manner as has heretofore been customary in this District.

The provisions of the last preceding section shall not extend to any bill of exchange, draft, or note payable on demand.

In all cases where a notice of non-acceptance of a bill of exchange, or non-payment of a bill of exchange, promissory note, or other negotiable instrument, may be given by sending the same by mail, it shall be sufficient if such notice be directed to the city, town, or place where the party sought to be charged resided at the time of drawing, making, or indorsing such bill of exchange, promissory note, or other negotiable instrument, unless such person, at the time of affixing his signature to such bill, note, or negotiable instrument, shall, in addition thereto, specify thereon the post-office to which he may require the notice to be addressed.

The following days, to wit, the first day of January, commonly called New-Year's day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within this District, and shall, for all purposes of presenting for payment or acceptance for the maturity and

protest, and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays, shall be deemed as having matured on the day previous.

Notaries public shall have authority to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and non-payment.

Notaries public may also demand acceptance of inland bills of exchange, and payment thereof, and of promissory notes, and may protest the same for non-acceptance or non-payment, as the case may require.

The original protest of a notary public, under his hand and official seal, of any bill of exchange or promissory note for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any or all of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post-office nearest thereto, shall be prima-facie evidence of the facts contained therein. The certificate of a notary-public, under his hand and seal of office, drawn from his record, stating the protest and the facts therein recorded, shall be evidence of the facts in like manner as the original protest.

All bonds, due-bills, and other instruments of writing, not negotiable, hereafter made and signed by any person or corporation, whereby such person or corporation promises or agrees to pay any sum of money, or articles of personal property, or any sum of money in personal property, or acknowledges any sum of money, or articles in personal property, to be due to any other person, shall be, and the same are hereby made, assignable by indorsement thereon, so as absolutely to transfer and vest the property thereof in each and every indorsee successively.

Any assignee to whom such bond, due-bill, or other instrument of writing, is made payable by any such indorsement or assignment, may, in his own name, institute and maintain an action, and recover thereon, against the person or corporation who shall have made or signed the same.

The maker or obligor of any such bond, due-bill, or other instrument of writing may set up and show any defense to such action which he had thereto, as against the payee or obligee, before notice of the assignment thereof by such payee or obligee, and which he might have set up and shown, had an action been brought on such bond, due-bill, or other instrument of writing, in the name and for the use of the original payee or obligee.

Such maker or obligor may set up and show any just matter of payment, set-off, or other defense in his favor, as against the plaintiff in such action; and also all just matters of payment, set-off, or other defense, which he had as against any assignor, before notice of the assignment thereof by such assignor, and which he might have set up and shown, had an action been brought against him by such assignor.

If any assignee of any such bond, due-bill, or other instrument, having used due diligence, shall fail to recover from the maker or obligor thereof, the money or personal property named therein, he may recover from any previous assignor thereof the full value which he shall have paid for the assignment, with interest from the time of such payment; but shall allow to the defendant, if he be a remote assignor, any just defense which such defendant may have as against the plaintiff, or may

have had as against any other intermediate assignor, before notice of assignment.

A bond, note, or other writing to a person who is dead at the time of its execution shall be as valid as if such person were then alive, and may be proceeded on in the name of the representative of such person.

CHAPTER IV.—MONEY AND INTEREST.

The money of account of this District shall be the dollar, cent, and mill; all accounts by public officers shall be so kept.

No writing shall be invalid, nor the force of any account or entry be impaired, because a sum of money is expressed therein otherwise than in the said money of account.

In any suit for a sum of money expressed in any foreign currency or otherwise than in the money of account of this District, the jury, if there be one impaneled for any other purpose, and if not, the court, shall ascertain the value in the said money of account of the sum so expressed, making such allowance for the difference of exchange as shall be just; and the judgment or decree may either be for what may be so ascertained, or for the sum of money expressed as aforesaid to be discharged by the sum so ascertained.

The rate of interest upon judgments or decrees, and upon the loan or forbearance of any money, goods, or things in action, shall continue to be six dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time, except as hereinafter provided.

In all contracts hereafter to be made it shall be lawful for the parties to stipulate or agree in writing that the rate of ten per cent. per annum, or any less sum, of interest shall be taken and paid upon every one hundred dollars of money loaned, or in any manner due and owing from any person or corporation in this District.

Where a greater rate of interest has been lawfully agreed for by the parties, the judgment or decree shall bear the same rate of interest reserved by the contract.

If any person or corporation in this District shall contract to receive a greater rate of interest than ten per cent. upon any contract in writing, or six per cent. upon any verbal contract, such person or corporation shall forfeit the whole of said interest so contracted to be received, and shall be entitled only to recover the principal sum due to such person or corporation.

If any person or corporation within the District or Columbia shall directly or indirectly take or receive any greater amount of interest than is provided for in this act, upon any contract or agreement whatever, it shall be lawful for the person, or his personal representative, or the corporation paying the same, to sue at law for and recover all the interest paid upon any such contract or agreement from the person or his personal representatives, or from the corporation receiving such unlawful interest: *Provided*, That the suit to recover back such interest shall be brought within one year after such unlawful interest shall have been paid or taken.

Nothing in this act contained shall be construed to change the general laws in force in relation to banking associations organized under the act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof, approved June three, eighteen hundred and sixty-four.

TITLE V.—OF DOMESTIC RELATIONS.

CHAPTER I.—OF MARRIAGE AND THE SOLEMNIZATION THEREOF.

1. All marriages contracted while either of the parties has a former wife or husband living shall be void, unless the former marriage shall have been dissolved and no restraint shall have been imposed on the party contracting such second marriage.

2. All marriages contracted by parties related within any of the degrees of consanguinity or affinity prohibited in the following sections three or four, shall be void.

3. A man shall not marry his mother, grandmother, stepmother, wife's mother, daughter, grandfather's wife, wife's grandmother, father's sister, mother's sister, wife's daughter, son's wife, sister, granddaughter, grandson's wife, wife's granddaughter, brother's daughter, or sister's daughter.

4. A woman shall not marry her father, grandfather, stepfather, husband's father, son, grandmother's husband, husband's grandfather, father's brother, mother's brother, husband's son, daughter's husband, brother, grandson, granddaughter's husband, husband's grandson, brother's son, or sister's son.

5. In all cases mentioned in the two sections immediately preceding, in which the relationship is founded upon a marriage, the prohibition shall continue in force, notwithstanding the dissolution of such marriage by death or by divorce, unless the divorce be for a cause which shows the marriage to have been originally void.

6. All marriages contracted by an insane person or by a party under the age of fourteen years, shall be void.

7. When any persons, residents of this District, shall go out of the same, with intent to evade the previous provisions of this chapter, and be married, and shall return to the same, such marriage shall be deemed void in this District.

8. For the purpose of being recorded and proved, as herein provided, marriages must be licensed and celebrated in accordance with the provisions of this chapter.

9. The rites of marriage shall not be solemnized by any person but a minister of the gospel who has been ordained according to the usage of his denomination; or in such manner as has been heretofore practiced in this District by the society of people called Quakers, or by the Israelites: *Provided*, That as between persons belonging to any religious society which has no ordained minister, marriages may be solemnized by the person and in the manner prescribed by and practised in such society.

10. No person shall marry without a license to that effect, to be issued by the clerk of the supreme court for this District, whose duty it shall be to grant the same, on application, and in form following:

DISTRICT OF COLUMBIA,
County of Washington, to wit:

Whereas application has been made to me by —— ——, of ———, and —— ——, of ———, for license to be joined in holy matrimony, these are therefore to authorize you to solemnize the rites of marriage between

those persons according to law, there appearing to you no lawful cause or just impediment to hinder the same.

Given under my hand and seal, this —— day ———.

——— ———.

To the Rev. Mr. —— ——, (or any other person qualified by law to celebrate the marriage.)

11. The clerk shall not issue a license for the marriage of any person under the age of twenty-one years if male, or eighteen if female, unless he or she shall have been previously married, without the consent of the father or guardian, or, if there be none, of the mother, given in a manner similar to that prescribed in the following section.

12. No minister, or other person authorized to solemnize marriages, shall join in marriage any male under the age of twenty-one years, or any female under the age of eighteen years, unless he or she shall have been previously married, without the consent of the father or guardian, or, if there be none, of the mother of every such party, personally given, or signified by the parent or guardian in a writing attested by one witness.

13. No formula need be observed in such solemnization, except that the parties shall respectively declare, in the presence of the minister or officer, that they accept each other as man and wife.

14. Every minister or other person who shall, under the provisions of this chapter, celebrate any marriage ceremony, shall, on or before the first day of January or July thereafter, certify the fact, in form following, to the clerk of the supreme court, stating the Christian and surnames of the parties married by him, their places of residence, the time of the marriage, and also that the parties were known to him, or that their identity was proved by a credible witness. Such certificate shall be signed by the person performing the marriage ceremony, and be attested by one witness to the marriage.

The form thereof shall be as follows:

I, —— ——, (title, if any,) do certify that on this —— day of ———, ——, I have united in marriage —— ——, of ———, and —— ——, of ———, who are personally known to me, (or whose identity has been proved.)

——— ———.

Witness to the marriage:

——— ———.

15. The clerk shall preserve such certificates; and in a book to be kept by him, and called the marriage registry, he shall note every license of marriage granted by him, stating the Christian and surnames of parties, their places of residence, and the time when such license was granted; and on receipt of the certificate of marriage, he shall record it opposite the entry already made, and shall index such registry in the name of each party.

16. The clerk shall, on the application of any person, grant a certified copy of such marriage record, and the registry shall be open to inspection at all times. The marriage registry, made and kept as hereinbefore prescribed, or a copy thereof duly certified under the hand of the clerk and the seal of the court, shall be received in all courts and places within this District as presumptive evidence of the fact of such marriage.

17. No marriage solemnized by any person, professing to be authorized to solemnize the same, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected, on account of any want of authority in such persons, if the marriage be in all other respects lawful, and be consummated with a full belief on the part of the persons

so married, or either of them, that they have been lawfully joined in marriage.

18. Any person knowingly uniting in marriage parties within the degrees of relation herein prohibited, or any minor, without the consent of his parent or guardian, given as hereinbefore provided, or any person insane, or under the age of fourteen years, shall be fined the sum of five hundred dollars.

19. Any person uniting in marriage parties who have not obtained a license from the clerk, as directed in this chapter, given as hereinbefore provided, shall be fined the sum of one hundred dollars. The clerk shall be subject to a like fine for issuing a license contrary to the provisions of this chapter.

20. Any minister or other person solemnizing a marriage under the provisions of this chapter who shall fail to return in proper form to the clerk the certificates of marriage, as required of him by this chapter, shall be fined the sum of two hundred dollars.

21. Any person contracting marriage within the degrees of relation hereinbefore prohibited, shall be fined the sum of five hundred dollars; and for contracting the same without a license first obtained from the clerk, or before a person not authorized by this chapter to solemnize a marriage, the sum of one hundred dollars.

22. In each of the foregoing cases the party violating these provisions shall be guilty of a misdemeanor, and, on conviction thereof, fined as hereinbefore provided.

CHAPTER II.—HUSBAND AND WIFE.

1. In the District of Columbia the right of any married woman to any property, personal or real, belonging to her at the time of marriage, or acquired during marriage, shall be as absolute as if she were a feme-sole, and shall not be subject to the disposal of her husband, nor be liable for his debts; but such married woman may convey, devise, and bequeath the same, or any interest therein, in the same manner and with like effect as if she were unmarried.

2. Any married woman may contract, and sue and be sued in her own name, in all matters having relation to her sole and separate property in the same manner as if she were unmarried; but neither her husband nor his property shall be bound by any such contract nor liable for any recovery against her in any such suit, but judgment may be enforced by execution against her sole and separate estate in the same manner as if she were sole.

3. All obligations entered into by a married woman shall be void as to her separate estate, unless her purpose to bind the same be expressed in writing.

4. If a husband or wife die, either surviving, the husband or wife, as the case may be, shall have a life-estate in one-third of the decedent's real property owned by either during marriage, whether held by legal or equitable title.

5. No acquisition of property passing from husband or wife to the other, after coverture, or made before coverture, in contemplation thereof, shall be valid if the same has been made or granted in prejudice of the rights of subsisting creditors.

6. The right of husband or wife provided for in the preceding section shall not operate to the prejudice of any claim for the purchase-money

of such real property or other lien on the same attaching prior to such right.

7. Any married woman by herself, and in her name, or in the name of any third person, with his assent, as her trustee, may cause to be insured, for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving such period or term, the sum or net amount of the insurance becoming due by the terms of the insurance, shall be payable to her, and to her own use, free from the claims of the representatives of the husband, or of any of his creditors, or of any party claiming by, through, or under him. But when the premium paid in any year out of the property or funds of the husband shall exceed five hundred dollars, such exemption from such claims shall not apply to so much of said premium so paid as shall be in excess of five hundred dollars, but such excess, with the interest thereon, shall inure to the benefit of his creditors.

8. The amount of the insurance may be made payable, in case of the death of the wife before the period at which it becomes due, to her husband, or to his or their children, for their use, as shall be provided in the policy of insurance, and to their guardian, if under age.

9. Upon all marriages hereafter contracted, the husband shall not be responsible for the debts and liabilities of the wife contracted before marriage; but she and her property shall be liable for the same in the same manner as if she were a feme-sole.

10. When the committee of any insane person who is married, shall be authorized to sell the real estate of such insane person, or his or her interest in his or her wife's or husband's real estate, such wife or husband may, if he or she thinks fit, join with said committee in the conveyance, and thereby convey all his or her interest in the granted premises as fully as he or she might have done by a conveyance executed jointly with such husband and wife.

CHAPTER III.—OF DIVORCE.

1. The supreme court of the District of Columbia shall have jurisdiction of all applications for divorces, to be made by petition, upon which the same proceedings shall be had as are had in other cases, except as far as is otherwise hereinafter provided.

2. The petition for a divorce shall specify the causes therefor with certainty; and upon the same being filed, the clerk shall issue summons for the defendant to appear and answer. If it shall appear by the affidavit of a disinterested witness that the defendant is a non-resident of this District, or has been absent therefrom for the space of six months, the court, after the return of one summons not found, may authorize notice of the pendency of the petition, to be given by publication, in such manner as it shall direct. The court shall proceed to hear and determine such cause whenever such summons shall have been served twenty days or such publication made forty days before the commencement of the term. No judgment for a divorce shall be rendered on default without proof, nor shall any admissions contained in the answer of the defendant be taken as proof of the facts charged as the ground of the application, but the same shall in all cases be proved by other evidence.

3. That a divorce from the bond of marriage may be granted in any of the following cases, to wit:

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage shall have been lawfully dissolved and no restraint shall have been imposed on the party contracting such second marriage.

Second. Where such marriage was contracted during the lunacy of either party, or where either party was matrimonially incapacitated at the time of the marriage.

Third. Where either party has committed adultery during the marriage, or where the wife may, at the time of the marriage, be pregnant with an illegitimate child, by any man other than her lawful husband.

Fourth. Habitual drunkenness for a period of three years on the part of the person complained against.

Fifth. Cruelty of treatment, endangering the life or health of the party complaining.

Sixth. Willful desertion and abandonment by the person complained against of the party complaining, for the full uninterrupted space of two years.

4. A divorce a mensa et thoro from bed and board may be granted for either of the following causes, to wit: cruelty of treatment, endangering the life or health of one of the parties; reasonable apprehension, to the satisfaction of the court, of bodily harm; the willful desertion and abandonment by the party complained against of the party complaining for the full uninterrupted space of three years.

5. No divorce shall be granted for any cause which shall have occurred out of this District, unless the party applying for the same shall have resided within the District for two years next preceding the application.

6. Upon the dissolution of a marriage on account of either of the parties having a former wife or husband living, if it shall appear that the second marriage was contracted in good faith by the party whose second marriage has been thus dissolved, and with the full belief on his or her part that the former wife or husband was dead, that fact shall be stated in the judgment or sentence of divorce; and the issue of such second marriage, born or begotten before the commencement of such suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

7. Upon the dissolution of a marriage on account of the lunacy of either party at the time of such marriage, the issue of the marriage shall be deemed to be legitimate.

8. That a divorce for causes not hereinbefore specially provided for shall not affect the legitimacy of the issue of the marriage; but the legitimacy of such issue, if questioned, shall be tried and determined according to the course of the common law.

9. In all cases where a divorce is granted the court allowing the same shall have power, if it see fit, to award alimony to the wife, and to retain her right as widow, and to award to the wife such property, or the value thereof, as she had when she was married, or such part, or value thereof, as the court may deem reasonable, having a regard to the circumstances of the husband at the time of the divorce. The court may also, in granting a divorce a vinculo matrimoni, restore to the wife her maiden or other previous name.

10. The court shall also have power to order and direct, in every case of divorce, who shall have the gaurdianship and custody of the children of the marriage so divorced, and who shall be charged with their maintenance.

11. The court may also award alimony to the wife for her sustenance

during the pendency of a petition for a divorce filed for any of the causes aforesaid.

12. In case of adultery by the wife, committed after judgment or sentence of divorce a mensa et thoro the court may, on petition of the husband, setting forth and accompanied by legal proof of such adultery, deprive the wife of alimony from the date of her said criminal act, and rescind her right as widow, as well as dispossess her, if the court judge fit, of the care, custody, and guardianship of any child or children which, under the original judgment of the court in granting the divorce, may have been assigned to her.

13. A wife deserted by her husband may, at any time after such desertion, apply to the court in session, or to either one of the judges thereof when the court is not in session, for an order to protect any money or other property, real or personal, of which she may have become possessed after such desertion, against her husband or his creditors, or any one claiming through or under him; and the court or judge thereof, as the case may be, if the fact of such desertion be proved by evidence other than that of the wife herself, and that the same was without reasonable cause, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings, money, and property aforesaid, real or personal, acquired since the commencement of such desertion, from her husband and all creditors and persons claiming through or under him, and such earnings, money, or property aforesaid shall belong to the wife as if she were a feme-sole: *Provided always*, That every such order shall, within ten days after the making and giving thereof, be entered by the clerk of the court on the records of the court, and that it shall be lawful for the husband, and any creditor claiming through or under him, to apply to the court in session for the discharge thereof; and he may obtain it if, in the judgment of the court, good cause shall be shown by such order, by reason of fraud or of repugnance to the objects of this section, should not have been first made and given: *Provided also*, That if the husband, or any creditor or person claiming through or under him, shall seize or continue to hold any property of the wife after notice and record of any such order, then the husband or such person shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore to her the specific property, and also for a sum equal to double the value of the property so seized or held after such notice aforesaid; and if any such order of protection be made the wife shall, during the continuance thereof, be, and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be if a feme-sole.

14. When a petition asks for a divorce from the bond of matrimony, the fact that the parties have been divorced from bed and board shall not be taken to interfere with the jurisdiction of the court over the subject; and upon a petition for a divorce from the bond of matrimony, the court may decree a divorce from bed and board, if the cause alleged and proved be sufficient to entitle the party to the same.

CHAPTER IV.—OF PARENTS AND CHILDREN.

1. If any minor, who has a father living, has property, the income of which is sufficient for his maintenance and education in a manner more expensive than the father can reasonably afford, regard being had to

the situation of the father's family, and to all the circumstances of the case, the expenses of the maintenance and education of such child may be defrayed out of the income of his own property, in whole or in part, as shall be deemed reasonable by the court, and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

2. Every father or mother may, by will, appoint a guardian for his or her minor children.

3. Minor children may be bound as apprentices by their father, and, in case of his decease, by their mother, in the manner provided in the following chapter.

4. When any husband and wife shall live in a state of separation, without being divorced, and shall have minor children of the marriage, the husband or wife may apply to the supreme court for a habeas corpus, to have such minor child brought before it.

5. On the return of such writ, the court, on due consideration, may award the charge and custody of the child so brought before it to the father or mother, for such time, and under such regulations and restrictions, and with such provisions, as the case may require.

6. At any time after passing such order, the court may, on the petition of either the father or mother, annul or modify the same, as circumstances may require.

7. The court shall also have the power to provide, in its discretion, according to the circumstances of the case, for the access of the father or mother when the child is in the custody of either.

8. The court shall have power to compel the father or the mother, having the means, to pay such sum at stated periods, to be applied under the court's direction to the maintenance and education of the child, as under all the circumstances the court shall deem just and proper.

9. If property be settled, or a fund provided, for an infant, upon condition that either or both parents shall surrender their right to the care and custody of the child, and the parents, or either of them, as the case may be, shall, by acquiescing for a time, and permitting the child to be educated and reared in a manner conformable to the provision, encourage in it corresponding expectations, such parent or parents shall not be allowed to resume the custody of the child, and disappoint those expectations.

CHAPTER V.—OF MASTERS AND APPRENTICES.

1. The court may, in its discretion, bind out as apprentices all orphan children whose estate, real and personal, is not sufficient for their maintenance and education, all children suffering through the indigence of their parents, children of beggars, and all illegitimate children, until such children, if male, reach the age of twenty-one years, if female, the age of eighteen.

2. When, however, any child shall be brought before the court to be bound out as an apprentice, if any relation or other person shall enter into bond to the United States in the penalty of three hundred dollars, with sufficient surety to be approved by the said court, for the comfortable maintenance and clothing of the child, and also for his reasonable education, the court shall not bind him out, but such bond shall be filed in the court, subject to suit on the breach of its condition.

3. Any father, and in case of his death or incompetency, any mother,

may bind out his or her child as an apprentice, on reasonable terms, until the age of twenty-one years, if male, or eighteen, if female; and when any child is to be bound out by the court the parent of such child, if living within this District, shall be summoned or notified to appear, and the wishes of such parent, so far as they may be reasonable, shall be consulted in the choice of the person to whom the child shall be bound.

4. No child shall be bound out as aforesaid except by an indenture, executed under the hand and seal of the party taking the apprentice, and having the consent of the court or of the father or mother, as the case may require, indorsed thereon, and in such indenture shall be stated the name, sex, and age of such apprentice, and the terms or contract of apprenticeship.

5. It shall be the duty of the court, in selecting masters for them, to prefer tradesmen and mechanics, or others of useful occupation, who shall always be bound to teach the apprentice the trade or occupation they follow. When it can be done, the indenture shall set out this obligation, and that the apprentice shall receive reasonable education in reading, writing, and arithmetic, as a part of the contract; and in all cases it shall recite as a part of the duty of the master that he shall provide suitable clothing and maintenance for the apprentice.

6. When the court shall bind out an apprentice, direction shall be given whether the master, besides maintaining the apprentice, and teaching him as before provided, shall pay anything for his services, and if anything, how much, and for which year or years. The money which the master is to pay for the last year shall be paid at the end thereof to the apprentice; the rest may be paid at the end of each year to the father or mother, or part to each, as the court may direct, or it also may be reserved to be paid to the apprentice at the end of his term, with interest. To secure such payments, bond with security shall be taken, and the obligation of the master shall be recited in the contract of apprenticeship.

7. Such indenture shall be lodged with the register of wills, whose duty it shall be to receive and record the same, the fee therefor being paid by the master. When the apprentice is bound out by his father or mother, it shall be the duty of each of them, under a penalty of twenty dollars, to deliver the indenture within three months from the date of its execution to the register for record.

8. If the terms of any contract of apprenticeship shall be considered by the court hard and unreasonable, it may, upon the petition in writing of the apprentice, reasonable notice being given by summons or publication to the master to appear, discharge the apprentice from the same and provide him with a new master.

9. The court may, on the petition in writing of any apprentice, and notice as aforesaid to the master being given, inquire into the conduct of the master, and if it shall appear that the contract of apprenticeship has been violated on the part of the master, he shall be fined for the first offense a sum not exceeding twenty dollars, and for the second a sum not exceeding fifty dollars; and the said court may, in its discretion, for such violation of the contract, or any ill-behavior or imposition of the master, discharge the apprentice, and shall provide for him a new master, and one, if practicable, of the same trade or occupation with the first. Fines imposed under this section shall be for the use of the apprentice, and shall be secured for him as directed by the court.

10. The court may also, on the petition in writing of the master and the appearance of the apprentice by guardian, discharge the master

from his contract, if it shall appear that the apprentice has shown incorrigible ill-temper, or has otherwise seriously misbehaved. The court shall also have power, should the apprentice become seriously disabled by sickness or otherwise, to relieve the master from the payment, in whole or in part, of any money agreed upon.

11. If it shall appear that a contract of apprenticeship, though defective in form, has been partly executed, the court may order the terms, or any part of the terms thereof, to be performed by the master or the apprentice, as justice and equity may require, and the master of any apprentice may detain him in his service until he be discharged by the court aforesaid; and the master may maintain such actions against strangers, as he could, had the apprentice been legally bound to serve.

12. If any apprentice shall absent himself from the service of his master, the court may, at any time during the remainder of his term, or within three years from the expiration thereof, award such compensation to be made by the apprentice to his master, either by service or the payment of money, as justice and equity may require; and may enforce the payment of the money so awarded by an attachment of contempt against his person, or by attachment and sequestration of his property.

13. When the master of any male apprentice shall die, the widow of such master may, with the approbation of the court, or with the approbation of the father or mother, if bound by either of them, assign the whole residue of the contract, on such consideration as she shall agree, to some other person of the same trade or occupation as the first master; and the new master and apprentice shall be bound to perform the residue of the contract as if the new master had been the original party thereto.

14. When the consent of the father or mother of such apprentice is necessary and cannot be obtained by the widow to the assignment of the residue of the contract, it shall be the duty of the court to appoint three persons of the same trade or occupation with the deceased master, any two of whom shall value, upon oath, the residue of the contract, when, if the father or mother, as the case may be, fails to pay the widow such valuation, she may, with the approbation of the court, assign without his or her consent.

15. Upon the death of any master of a female apprentice such apprentice shall serve out the residue of her time with his widow, who shall comply strictly with the terms of the contract made by her deceased husband: *Provided*, That if the widow shall prefer not to keep such apprentice, and shall, within four months after her husband's death, carry her to the court and deliver her up, the widow shall be released, and the apprentice be bound out anew, in accordance with the provisions of this chapter.

16. Every apprentice whose master shall die leaving a widow shall continue at his business, and be subject to the control of the widow, until otherwise ordered by the court, who shall have authority to continue any apprentice with the widow so long as she fulfills the contract made by her husband.

17. No master of any apprentice bound out within this District shall, except in the case of a mariner's apprentice, send or carry him out of the same; and any justice of the peace having reason to suspect an intended violation of this section may demand of such master a bond, with good security, conditioned to be forfeited if the master shall, directly or indirectly, carry or send the apprentice away contrary to the provision of the same. If the master refuse to give such bond, the

apprentice shall be discharged, and a new master be provided by the court.

18. If any apprentice shall be convicted of an offense, on which judgment shall be entered against him for any fine or penalty and costs, the court passing the same shall enter on the record the time during which the apprentice shall serve his master, after the expiration of his apprenticeship, in case the master shall pay the fine or penalty and costs; and on the master paying the same, the apprentice shall be obliged to serve for the time so adjudged: *Provided, however*, That he may free himself from such obligation to serve by re-imbursing at any time his master the sum so paid, with interest thereon.

19. Any person who shall conceal, harbor, or entice away any apprentice, shall, on conviction thereof, be fined a sum not exceeding three hundred dollars, and shall be liable in an action to the master for double the damages sustained by him.

CHAPTER VI.—OF THE CUSTODY OF THE PERSON AND THE MANAGEMENT OF THE ESTATE OF PERSONS INSANE.

1. The supreme court of this District holding special term for the trial of equity cases shall have power to superintend and govern the affairs of insane persons, both as to the care of their persons and the management of their estates, and may appoint a committee or trustee for every such person, and may make such orders respecting their persons and estates as to the court shall seem proper.

2. The mental condition of a party shall be determined under a commission of lunacy, to be issued by the court, and directed to the marshal, the proceedings under which, subject to the provisions of this chapter, shall be as heretofore.

3. A petition may be filed by any one related to the insane person, or interested in his estate, asking the court to issue a commission to inquire into the lunacy of the party. Such petition shall briefly state the character of the supposed mental alienation, and shall be verified by the affidavit of a physician or other competent person, deposing to the insanity of the party, or in such other manner as the court may direct.

4. The court may then award such commission, or in its discretion refuse the same.

5. When awarded, the clerk of the court shall issue, under the seal thereof, a commission to the marshal of the District, directing him to inquire, by the oaths of lawful jurors, whether the supposed insane person is non compos or not; and if he be non compos, how and in what manner he became so; and how long he has been so; whether from his birth or not; and if he enjoys lucid intervals. Proper notice of the time and place of the execution of said commission shall be given to the supposed lunatic.

6. The marshal may impanel any number of jurors not less than twelve nor more than fifteen, and the inquisition shall be good if signed and sealed by any twelve thereof and by the marshal, and shall be executed at the residence of the supposed insane person, if he have one, unless the court, for special reasons, shall direct its execution at a different place.

7. The jury may require the personal attendance of the supposed insane person for the purpose of examination, and if the person in whose custody he is fail to obey the requisition of the jury, an order directing

his production may be obtained from the court, or, in vacation, from any judge thereof, and obedience thereto may be enforced by attachment for contempt.

8. The proceedings before the jury shall be public. The marshal shall have power to summon and swear witnesses, and if they refuse or omit to attend or be sworn, an attachment may, on application to the court or any judge thereof, be issued against them. The supposed lunatic or any friend may, in person or by counsel, examine and cross-examine witnesses.

9. The commission shall be executed and returned to the court with as little delay as possible. In it the jury shall respond to every inquiry in the commission, and in proper cases shall state with precision that the party is an idiot, or lunatic, or is of unsound mind, so that he is unfit for the government of himself or his estate.

10. On the return of the commission to the court, the inquisition of the jury may be confirmed, or, on petition filed to that effect, may be traversed or quashed, in the discretion of the court, and the proceedings thereon shall be as hereinbefore provided, and a new commission, if necessary, may issue.

11. When two or more persons shall be associated as the committee of an insane person, and one shall die, the authority of the survivor or survivors shall not determine.

12. Every person appointed as a committee or trustee of such party shall give bond, in a penalty and surety to be approved by the court, and to be filed with the clerk thereof, conditioned for the faithful performance of his duties according to law. He may be required by the court, as in the case of an administrator, to give counter, new, or additional security, and on failure so to do may be removed, and be compelled to deliver the property of the insane person, together with all papers and evidences of debt belonging to him, to another committee or trustee appointed by the court.

13. On filing such bond the committee of any insane person shall be entitled to the custody and control of his person, (when he resides in the District, and is not confined in an asylum or prison,) and also to the possession and management of his estate.

14. Every committee of an insane person shall, within four months after his appointment, file in the office of the clerk of the court a true inventory and appraisement of all the estate, real and personal, of such insane party, the same to be executed in the manner hereinafter prescribed for the appraisement of the estates of wards.

15. Every committee shall, at least once in every year after his appointment, pass, under oath, an account of his trust, verified by vouchers or proof. He shall charge himself therein with all the income of the estate, and other moneys which have come to his hands, and shall be allowed for all proper disbursements. The court shall determine from time to time, but in advance of the expenditure thereof, the sum of money to be applied to the support of the insane person, and the maintenance and education of his family.

16. The court may allow to the committee or trustee charged with the care of the person or estate of the insane person, as compensation therefor, any sum not exceeding twelve per centum on his income and personal expenditures.

17. On the application of any creditor of an insane person, the court may order a sale of the real or personal estate of such insane party, or such part thereof as may be necessary to pay his debts, if the court be

satisfied of the justice thereof, and that there is no other means of paying the same.

18. The court may also authorize the committee or trustee of any insane person to sell the property, real or personal, of such insane party, or so much thereof as may be necessary, for the support and maintenance of himself or his family and the education of his children, or for the payment of all real and just expenses which said committee or trustee may have incurred.

19. The court may likewise, upon the application of the committee or trustee of any insane person, order the sale of any real or personal estate of such insane party, and direct the money arising therefrom to be invested in stocks or mortgages on real estate, or other safe securities, as the court may deem most advantageous; and on the death of such insane person, the principal sum arising from such sales of real estate, or so much thereof as may not be applied to his use and maintenance, or the maintenance and education of his family, shall descend to the persons to whom the real estate would have descended had the same not been sold.

20. The court may, on like application, authorize the committee or trustee of any insane person to lease his real estate for any period not exceeding ten years, when the same shall be deemed by the court advantageous to the interests of such insane party; and may, under like circumstances, order the surrender of any lease of the estate of such party to be accepted, and the same to be demised anew, as before provided; or may authorize the committee to renew any lease that the insane party shall have the privilege of renewing.

21. In all applications to sell the real or personal property of any insane person, or to lease the former, the court shall, before making such order, have the appearance and answer of such person, by his guardian ad litem, to be appointed by the court, and have proof taken as to the value, quantity, and condition of the property; and no sale or lease of such property shall be valid unless the same shall be reported to and confirmed by the court.

22. When any insane person shall be seized or possessed of any real estate by way of mortgage, or as trustee for others in any manner, his committee may apply to the court for authority to convey such real estate to the person entitled thereto in such manner as the court shall direct; and upon hearing all the parties interested, the court may order such conveyance to be made.

23. On the application of any person entitled to such conveyance, the court may compel the committee of any insane person, on the hearing of all parties interested, to execute such conveyance.

24. Every conveyance made under the provisions of this chapter, in pursuance of an order of the court, shall be as valid as if the same had been executed by such insane person when of sound mind and understanding.

25. The court shall have power to compel the specific performance of any bargain or contract which may have been made by an insane person while he was able to contract, or of any made by another person, and subject to which such insane person claims, and to direct the committee of such person to do and execute all necessary acts and conveyances for that purpose.

26. When an insane person shall regain his right mind and become capable of conducting his affairs, his committee shall render a final account of his trust and restore to him his estate, or so much thereof as shall remain.

27. When, on application of the committee or trustee of any insane person, the court shall be satisfied that there is in any of the United States or Territories thereof an institution well calculated to promote his comfort or restoration, and that his estate will suffice for the costs of removal and maintenance, it may authorize the removal of the insane person by his committee, or trustee, and his committal to such institution.

28. If any insane person has no property, or not sufficient for his maintenance, the court may cause such person to be sent to the Insane Asylum of this District, in accordance with the provisions of Chapter I, Title XII, Part 1.

CHAPTER VII.—MANAGEMENT OF CONVICT'S ESTATE.

1. When any person shall be sentenced to confinement in the penitentiary, or the jail of this District, the estate of such convict, both real and personal, shall be disposed of and managed as follows:

2. On application being made to the court, by the petition of any one interested therein, the estate of such convict shall be committed to a person selected by said court; who, on giving bond in such penalty as may be prescribed, shall have charge of said estate until such convict is discharged from confinement.

3. Such committee may sue and be sued in respect to debts due by or to such convict.

4. The court may direct, when it can be done without prejudice to the rights of creditors, an allowance to be made for the maintenance of the wife and family of the convict; and the wife shall be entitled, so long as the convict may be confined, to the profits of such portion of his estate as she could have if he had died intestate.

5. The committee shall render accounts of his trust to the court, and shall be entitled to like compensation for his services as is provided in the case of a guardian.

6. Every committee shall deliver such estate as he may be liable for at that time, to the convict on his discharge, or to his real and personal representatives on his death, before being discharged.

7. If the person appointed by the court fail to give bond as aforesaid, and no other suitable person will accept the same and bond, the estate shall be committed to the hands of the marshal, who shall be entitled to all the rights of a committee, and shall act as such; and he and the sureties in his official bond shall be responsible for the faithful performance of the trust.

8. The real estate of such convict may be sold when necessary for the payment of debts, in the same manner as the real estate of an insane person in the hands of a committee.

CHAPTER VIII.—OF THE MAINTENANCE OF BASTARD CHILDREN.

1. If any woman shall be delivered of a bastard child, and shall, upon examination before any justice of the peace of the District of Columbia, charge any person upon oath with being the father of such child, such justice shall, by warrant, cause the person so charged to be brought before him, and if, upon hearing, he shall be satisfied that such person is

the father of such child, he shall require him to enter into a recognizance to the United States, with good and sufficient security, in a sum not exceeding three hundred dollars, with condition to indemnify and save harmless said District or any person from all cost and charge for the maintenance of such child until it shall arrive at the age of seven years, and may order the person so charged to be committed to jail until such recognizance be given.

2. Such recognizance shall be immediately returned to the clerk of the supreme court of the District and filed in his office. Execution, from time to time, may be issued thereupon by the said court, upon motion and ten days' notice, for so much as may be due said District, or person, for the maintenance of such child, until the amount of the penalty be exhausted. The person entering into any such recognizance, and his sureties, shall not be responsible for any sum greater than fifty dollars per annum for the maintenance of any such child.

3. If any person charged as aforesaid with being the father of a bastard child should think himself aggrieved by the judgment of the justice, he may appeal to said court, upon his entering into bond, with sufficient security, for his appearance at the next term of said court held for criminal business, and for the payment of the costs of such appeal in the event of the same being decided against him.

4. Upon the trial of any such appeal, the issue to the jury shall be, whether the party so appealing is guilty or not guilty; and if the jury shall find him guilty, the recognizance returned by the justice, and filed in the office of the clerk of the court, under the provisions of the second section of this chapter, shall be in full force, and execution may issue thereon, as is provided in said section; but if, on such trial, the party so appealing shall be found not guilty, the said court shall discharge him and his sureties from such recognizance. The mother and putative father of the bastard child shall be competent witnesses in any such trial.

5. No prosecution under this chapter shall be brought after two years from the birth of the bastard child: *Provided*, The time any person accused shall be absent from the District shall not be computed.

7. The reputed father of a bastard child shall not have the right to the custody or control of such child, if the mother is living, and wishes to retain such custody and control, until after it shall have arrived at the age of ten years, unless upon petition to the supreme court of said District, (the mother living therein,) it shall, after notice to the mother, on full hearing of the facts in the case, be made to appear to said court that she is not a suitable person to have the control and custody of such child.

8. The proceedings in bastardy shall be conducted in the name of the United States as plaintiff, and the accused as defendant, and are intended for the indemnity of said District against the charge of supporting bastards.

27. When, on application of the committee or trustee of any insane person, the court shall be satisfied that there is in any of the United States or Territories thereof an institution well calculated to promote his comfort or restoration, and that his estate will suffice for the costs of removal and maintenance, it may authorize the removal of the insane person by his committee, or trustee, and his committal to such institution.

28. If any insane person has no property, or not sufficient for his maintenance, the court may cause such person to be sent to the Insane Asylum of this District, in accordance with the provisions of Chapter I, Title XII, Part 1.

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3. Such committee may sue and be sued in respect to debts due by or to such convict.

4. The court may direct, when it can be done without prejudice to the rights of creditors, an allowance to be made for the maintenance of the wife and family of the convict; and the wife shall be entitled, so long as the convict may be confined, to the profits of such portion of his estate as she could have if he had died intestate.

5. The committee shall render accounts of his trust to the court, and shall be entitled to like compensation for his services as is provided in the case of a guardian.

6. Every committee shall deliver such estate as he may be liable for at that time, to the convict on his discharge, or to his real and personal representatives on his death, before being discharged.

7. If the person appointed by the court fail to give bond as aforesaid, and no other suitable person will accept the same and bond, the estate shall be committed to the hands of the marshal, who shall be entitled to all the rights of a committee, and shall act as such; and he and the sureties in his official bond shall be responsible for the faithful performance of the trust.

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the father of such child, he shall require him to enter into a recognizance to the United States, with good and sufficient security, in a sum not exceeding three hundred dollars, with condition to indemnify and save harmless said District or any person from all cost and charge for the maintenance of such child until it shall arrive at the age of seven years, and may order the person so charged to be committed to jail until such recognizance be given.

2. Such recognizance shall be immediately returned to the clerk of the supreme court of the District and filed in his office. Execution, from time to time, may be issued thereupon by the said court, upon motion and ten days' notice, for so much as may be due said District, or person, for the maintenance of such child, until the amount of the penalty be exhausted. The person entering into any such recognizance, and his sureties, shall not be responsible for any sum greater than fifty dollars per annum for the maintenance of any such child.

3. If any person charged as aforesaid with being the father of a bastard child should think himself aggrieved by the judgment of the justice, he may appeal to said court, upon his entering into bond, with sufficient security, for his appearance at the next term of said court held for criminal business, and for the payment of the costs of such appeal in the event of the same being decided against him.

4. Upon the trial of any such appeal, the issue to the jury shall be, whether the party so appealing is guilty or not guilty; and if the jury shall find him guilty, the recognizance returned by the justice, and filed in the office of the clerk of the court, under the provisions of the second section of this chapter, shall be in full force, and execution may issue thereon, as is provided in said section; but if, on such trial, the party so appealing shall be found not guilty, the said court shall discharge him and his sureties from such recognizance. The mother and putative father of the bastard child shall be competent witnesses in any such trial.

5. No prosecution under this chapter shall be brought after two years from the birth of the bastard child: *Provided*, The time any person accused shall be absent from the District shall not be computed.

7. The reputed father of a bastard child shall not have the right to the custody or control of such child, if the mother is living, and wishes to retain such custody and control, until after it shall have arrived at the age of ten years, unless upon petition to the supreme court of said District, (the mother living therein,) it shall, after notice to the mother, on full hearing of the facts in the case, be made to appear to said court that she is not a suitable person to have the control and custody of such child.

8. The proceedings in bastardy shall be conducted in the name of the United States as plaintiff, and the accused as defendant, and are intended for the indemnity of said District against the charge of supporting bastards.

TITLE VI.—CORPORATIONS AND LIMITED PARTNERSHIPS.

CHAPTER I.—CORPORATIONS.

SECTION 1. Any corporation may acknowledge any deed which it has power to make, by an attorney appointed for that purpose by the corporation under the seal thereof, and such appointment may be embodied in the deed.

SEC. 2. No corporation in this District, not distinctly organized as a national bank under the laws of the United States, shall be authorized to issue any note, token, or other evidence of debt, to be used as currency.

SEC. 3. When the corporate powers of any corporation in this District are by charter, certificate of incorporation, or law, directed to be exercised by any particular body, or any set number of persons, a majority of such body or persons, unless otherwise specially provided, shall be a quorum for the transaction of business, and the decision of a majority of a quorum, assembled for the transaction of business, shall be valid as a corporate act.

SEC. 4. A copy of any by-law of any corporation in this District, certified to be correct, under the hand of the president and secretary of such corporation, or president and secretary of the board of trustees, managers, and directors thereof, shall be received as prima-facie evidence of such by-law in the courts of this District.

SEC. 5. Every foreign company having an office in this District for the transaction of business shall appoint an agent, or agents, resident in this District, and a certified copy of the vote or act of the corporation trustees, directors, or managers thereof, making such appointment, shall be filed, at the expense of such agent or agents, in a book or books properly indexed, to be kept by the clerk of the supreme court of the District of Columbia; and such appointment shall continue until the appointment of his or their successor or successors be in like manner recorded; and service of process upon such agent shall bind the company.

SEC. 6. The president and directors, trustees, or managers of any corporation now existing, or hereafter to be formed, in this District, shall keep full, fair, and correct accounts of their transactions, which shall be open at all times to the inspection of the stockholders or members thereof; and they shall annually prepare a full and true statement of the affairs of the corporation, which shall be certified to by the president and secretary and submitted to the stockholders or members at their annual meeting.

SEC. 7. Every corporation organized in this District having shares or a capital stock shall, within twenty days after the first of January in each year, make a report, which shall be published in some newspaper in the District, stating the amount of capital, the amount actually paid in, the amount of its existing debts, the amount of its assets, and the amount of dividends declared and paid within the year, which report shall be signed by the president and a majority of the trustees, mana-

gers, or directors, and be verified by the oath of the president or secretary, and filed in the office of the recorder of deeds within ten days thereafter.

SEC. 8. Trustees, managers, or directors of any corporation failing to make the aforesaid report, shall be jointly and severally liable for the debts of the corporation then existing, and for all that shall be contracted before such report shall be made.

SEC. 9. If the trustees, managers, or directors of any corporation organized in this District shall declare and pay any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, while they shall respectively remain in office: *Provided*, That if any one of them shall object to the declaring of such dividend, or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of his objection in writing with the secretary of the company and with the recorder of deeds of the District of Columbia, he shall be exempt from the said liability.

SEC. 10. The real and personal property of all corporations situate in this District shall be liable to taxation at the same rates as the real or personal property of individuals, unless the same are specially exempted by general or special law.

CHAPTER II.

SECTION. 1. Corporations may be formed under the provisions hereinafter set forth of persons desiring to create and maintain—

I. Institutions of learning.
II. Religious societies.
III. Societies benevolent, educational, &c., and for mutual improvement, and for the encouragement of literature, science, and the arts.
IV. Manufacturing, agricultural, mining, mechanical, commercial, and incorporations.
V. Cemeteries.
VI. Boards of trade.
VII. Railroad companies.
VIII. Savings banks.
IX. Insurance companies.
X. Homestead and building associations.

SEC. 2. Corporations belonging to the first, second, fifth, sixth, seventh, eighth, and ninth classes of the preceding section shall have perpetual succession, and those belonging to the third, fourth, and tenth classes of the preceding section shall have a term of existence of not more than twenty years.

SEC. 3. Any number of persons of full age, not less than five, a majority of whom shall be citizens of the District, desiring to form a corporation for any of the purposes hereinbefore set forth, may do so in the following manner:

1st. They shall make, sign, seal, and acknowledge before some officer competent to take acknowledgment of deeds, a certificate setting forth—

The names in full and places of residence of the proposed incorporators.

The proposed corporate name, which shall include the name of the District of Columbia and of the city of Washington or Georgetown, it formed within either of said cities.

The object or purpose of the corporation and its term, unless it belong to a class having perpetual succession.

The place or places where the operations of the corporation are to be carried on, and the locality in the District where the principal office of the corporation is to be located.

The amount of capital stock, if any, of the corporation.

The number of shares of stock, if any, and the amount of each share, and the number of shares held by each subscriber to the certificate, and the amount paid thereon.

The number of the trustees, directors or managers, and their names, who shall manage the affairs of the corporation for the first year.

2d. This certificate, when completed, shall be presented to a justice of the supreme court of the District of Columbia for his inspection, and if he shall find the same to be drawn conformably to law, he shall make an indorsement thereon under his hand and seal to that effect.

3d. The certificate of incorporation thus indorsed shall be offered for record to the recorder of deeds, and by him recorded in the records of his office in suitable book or books kept for that purpose, and thereupon the persons who have executed the said certificate, their associates and successors, shall be a body politic and corporate, by the name and for the purposes expressed in such certificate: *Provided, however*, That the provisions of this chapter shall not extend to nor apply to any association of individuals who shall in the certificate of incorporation hereinbefore required, use, specify, or adopt a name or style the same as that of any previously existing incorporated body in the District of Columbia.

SEC. 4. All corporations formed under the provisions of this title shall have succession by their corporate names for the periods prescribed by law or designated in the certificate aforesaid; may sue and be sued; complain and defend in any court of law or equity; may have and use a common seal, and the same may alter and amend at pleasure; may acquire, hold, and convey property in all lawful ways; and may make, alter, and amend at times, or from time to time, such by-laws not inconsistent with law as may be necessary for the end of their incorporation; and a majority in interest of the stockholders or members thereof shall always be citizens of the District of Columbia, and their number shall never be less than five.

SEC. 5. The affairs of corporations created under this title shall be managed by trustees, managers, or directors, not less than four nor more than twelve in number, to be selected from the members or stockholders, a majority of whom shall at all times be citizens of this District, and who shall be elected, except for the first year, by a majority vote of the members or stockholders in interest, at the annual meetings thereof, held on such days as the by-laws may designate; but if for any reason there be a failure to elect upon the days so designated, such failure shall not work a dissolution of the corporation, but the trustees, managers, or directors shall hold until their successors are chosen, and their acts shall be valid as against such corporation.

SEC. 6. Prior to each annual meeting of corporations organized under this Title, the trustees, directors, or managers shall appoint from the

stockholders or members, three persons to act as judges of election thereat.

SEC. 7. Notice of such annual meeting shall be given at least twenty days prior to its being held, by advertisement in some newspaper published in the District, for at least three distinct times, the last advertisement to be on the day of meeting, and the certificate of such judges of election that such and such persons were elected, shall be evidence to them thereof, and warrant for their acting as such; and a copy thereof, verified by the oath of one of the said judges, shall be filed in the office of the recorder of deeds.

Vacancies occurring in the board of trustees, directors, or managers by death, resignation, or otherwise, shall, unless otherwise provided by the by-laws of the corporation, be filled by the remainder of the board.

SEC. 8. Such managers, trustees, or directors shall have power to make such by-laws for the management of the affairs of the corporation as they may deem necessary, which by-laws shall be subject to amendment, alteration, or repeal by the members or stockholders at annual or other general meetings. And the acts of such managers, trustees, or directors shall be deemed and taken to be the acts of the corporation, except only where it is provided that the concurrence or direction of the members or stockholders is necessary. They shall appoint a president from their own number and such other officers and agents as the business of the corporation shall require, fix their compensation, regulate their tenure of office, and may require security for the faithful discharge of their duties.

SEC. 9. The treasurer or secretary of every corporation in this District shall keep a book containing, alphabetically arranged, the names of all persons who are or have been, during the three years last past, members, stockholders, or shareholders in said corporation, showing their places of residence, the number of shares held by them respectively, and the time when they respectively became the owners of said shares; which book shall, during the usual hours of business, be open for the inspection of members, stockholders, shareholders, and creditors of the corporation at its principal place of business, and no transfer of stock or shares shall be valid as against any corporation having stock or shares unless the same shall have been presented for record in such book.

SEC. 10. The stock of any corporation created under this Title shall be deemed personal estate, and transferable as provided in the by-laws of the corporation; but none shall be transfered until all previous calls upon it have been paid in, or it has been declared forfeited for nonpayment.

SEC. 11. The trustees, directors, or managers may call in all sums subscribed for stock or shares at such times and in such installments as they deem proper, under the penalty of forfeiting the shares and stock subscribed for, and all previous payments thereon, unless payment is made within sixty days after a personal demand, or after a notice requiring such payment published in some newspaper in the District, of general circulation: *Provided*, That if one half of the capital stock of the corporation shall not be paid within one year, and the other half thereof within two years from and after the date of incorporation of said corporation, then the corporation shall be dissolved; but this proviso shall not be construed to apply to homestead or building associations.

SEC. 12. Any company formed under this act may sue for any installment or subscription to stock due, in like manner as other debts are sued for.

SEC. 13. Nothing but money shall be considered as or received in payment of subscriptions to stock of such corporations, unless the corporation, at a general meeting called for that purpose, shall agree to receive land or other property, where the same is of a character proper for the corporation to own for the advancement of the purposes of its incorporation, at such valuation as may be agreed upon between the corporation and the subscriber; and in such case the books of the company shall be so kept as to show at all times fully what property was received for the said stock, at what value it was received, and the number of shares of stock issued therefor.

SEC. 14. Within thirty days after the payment of the last installment of the capital stock limited in the certificate of incorporation, the president and a majority of the trustees, managers, or directors of a corporation organized under this shall make a certificate, stating the amount of the capital stock so fixed and paid in, and of all property received in payment for subscriptions thereto, and the extent to which said payments have been so made in property, which certificate shall be signed and sworn to by the president, and by him delivered to the recorder of deeds within thirty days thereafter for record. And until said certificate is recorded, each stockholder shall be individually liable to the creditors of the corporation for all debts and contracts made by it, to an amount equal to the amount of stock held by him.

SEC. 15. Every stockholder or shareholder shall be entitled to so many votes, at all meetings of stockholders, as he has shares on which all installments due have been paid.

SEC. 16. Whenever any stock or share in any corporation in this District shall have been hypothecated or pledged by the real owner thereof as security for the payment of any debt or loan, such person, upon exhibiting to the judges of any election held by such corporation, or the person presiding at any meeting thereof, a certificate of the pawnee or pledgee of such stock or share that the same is held in pledge, and not forfeited, be deemed and taken as the holder of such stock or share and entitled to vote the same; and every person holding stock or owning shares in such corporation, as executor, administrator, guardian, trustee, or other fiduciary capacity shall represent the shares or stock and may vote accordingly.

SEC. 17. A general meeting of the members or stockholders of any corporation in the District of Columbia may be called at any time upon the requirement therefor of a majority of the members or of stockholders entitled to vote a majority of the stock, upon not less than ten days' notice of such call being given by publication in at least three separate issues of at least one newspaper published in the District of Columbia, the last publication to be on the day for which said meeting is called.

SEC. 18. At any general meeting of the stockholders or members of any corporation, any president, trustee, director, or manager, may be removed and another or others appointed to fill the remainder of his or their term or terms, by a vote of a majority of the members or a majority in interest of the stockholders: *Provided*, Notice of intention to propose such change has been published in the call required under the preceding section.

SEC. 19. If the indebtedness of any corporation organized under this ——— shall, at any time, exceed the amount of its capital stock, the trustees, managers, or directors thereof shall be personally and individually liable for such excess to the creditors of the corporation.

SEC. 20. No stockholder shall be personally liable for the payment of any debt contracted by any corporation formed under this title which is

not paid within one year from the time the debt becomes due, unless a suit for the collection of such debt shall be brought against such company within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such corporation for any debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the corporation shall have been returned unsatisfied in whole or in part.

SEC. 21. The stockholders of any corporation organized under the provisions of this title shall, jointly, severally, and individually, be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation, and shall be individually liable for all debts of said corporation to the amount of the stock of each stockholder.

SEC. 22. The trustees, directors, or managers, shall always be members or stockholders of the corporation, and the president shall be chosen from them.

SEC. 23. No stockholder shall vote at any election any stock that he has not owned for at least ten days.

SEC. 24. No corporation organized under the provisions of this title shall use any portion of its funds in the purchase of stock in other corporations; nor shall any such corporation vote on any shares of its own stock it may have acquired by forfeiture or otherwise.

SEC. 25. The copy of any certificate of incorporation, or other paper required by this title to be recorded in the office of the recorder of deeds, shall, when certified to by such recorder as a true copy and of the whole of the certificate or other paper, be received and held by the court as presumptive legal evidence of the facts therein stated.

SEC. 26. Any officer, agent, or member of any corporation who shall willfully fail or neglect to perform any duty imposed upon him by this title, shall be liable to prosecution for misdemeanor, and, on conviction thereof, to fine or imprisonment, or both, and shall besides be liable in damages civilly to any person injured by such failure or neglect.

CHAPTER III.—CLASS I. INSTITUTIONS OF LEARNING.

SECTION. 1. Persons desiring to form an institution of learning shall state, in the certificate of incorporation, in addition to what has been hereinbefore required, the particular branch of literature and science, or either, proposed to be taught, and (if the institution is to be of the rank of a college or university) the number and designation of professorships to be established.

SEC. 2. In addition to the powers generally vested in corporations by this ———, such institutions shall have the power to confer upon such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

SEC. 3. Any corporation so formed as aforesaid shall be competent to take to itself, in its corporate name, real, personal, or mixed property, by gift, grant, bargain and sale, conveyance, will, devise, or bequests of any persons whomsoever, and the same estate to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of the same for the use of said institution in such manner as shall seem most beneficial thereto. And it shall hold the property of said institution

solely for the purposes of education, and not for the individual benefit of themselves, or of any contributor to the endowment of the same.

SEC. 4. The trustees, directors, or managers of any such institution shall faithfully apply all the funds collected or the proceeds of the property belonging to said institution, according to their best judgment, in erecting or completing suitable buildings, supporting necessary officers, instructors, and servants, and procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus necessary to the success of said institution.

SEC. 5. In case any donation, devise, or bequest shall be made for particular purposes, accordant with the designs of any such institution, and the corporation shall accept the same, such donation, devise, or bequest shall be applied in conformity with the express condition of the donor or devisor.

SEC. 6. No corporation established as aforesaid shall be allowed to hold more land at any one time than shall be necessary for the purposes of education, as set forth in its certificate of incorporation, unless it shall have received the same by gift, grant, or devise, and in such case it shall sell or dispose of the same within ten years from the time the title thereto is acquired, and on failure so to dispose of the same, said land, over and above the amount necessary to be used as aforesaid, shall revert to the original donor, grantor, devisor, or his heirs.

SEC. 7. The trustees, managers, or directors of every such institution shall, within twenty days after the 1st of January in each year, file in the office of the recorder of deeds a statement signed by them and verified by the oath of their president, showing the names of the trustees, manager or directors, and officers of the institution, the number of students, and an inventory of the property and liabilities of the institution, and such other information as shall be necessary to exhibit its condition and operation.

CHAPTER IV.—CLASS II. RELIGIOUS SOCIETIES.

SECTION 1. Any society, church, or congregation incorporated under this title for religious worship, may receive, by gift, devise, or purchase, for the purposes of a church or meeting-house, and a parsonage or rectory, a quantity of land not exceeding three acres, and erect such buildings, or make such other improvements thereon, as may be deemed necessary for the purposes above stated.

SEC. 2. Such societies may receive by grant, gift, or bequest any other property, real or personal, for the use and support of the purposes thereof: *Provided*, That the clear yearly income of any church, society, or congregation, exclusive of the rent of pews, collections in churches, funeral charges, and the like, shall not exceed the yearly sum of twenty thousand dollars, and all gifts and devises that would cause that amount to be exceeded shall be void.

SEC. 3. Upon the dissolution of any church, society, or congregation, formed under this title, the estate and property of such society or congregation shall revert back to the persons, their heirs and assigns, who may have given or contributed to the purchase of or payment for the same, according to their respective rights.

SEC. 4. These provisions are intended to apply to societies heretofore or hereafter to be formed for the purpose of establishing and maintaining private schools for religious purposes; but they shall not be so con-

strued as to confer privileges or any benefits to such societies under the school laws of this District.

SEC. 5. The priest, minister, rector, leader, elder, or other person in charge of any such society, church, or congregation, shall be *ex-officio* a member of the board of trustees, managers, or directors thereof.

SEC. 6. The trustees of such societies may, under the direction of the society, sell, mortgage, or lease, for not over ten years, any property owned by such society: *Provided*, That no deed, conveyance, or lease of any property held by the society, shall be so made as to defeat or destroy the purport, interest, or effect of any grant, donation, or bequest made to such society, but all grants, donations, and bequests shall be appropriated and used as directed by the person making the same.

SEC. 7. Any person holding lands or goods and chattels in trust for any particular church, society, or congregation, shall convey the same to the corporation of such particular church, society, or congregation as soon as the same shall be formed under this title.

SEC. 8. The act of assembly of Maryland concerning the establishment of vestries, &c., passed January 15, 1799, and the act of Congress, approved June 17, 1844, concerning conveyances or devises of places of public worship, are hereby repealed, saving, however, all rights that have become vested under them.

CHAPTER V.—CLASS III. SOCIETIES, BENEVOLENT, EDUCATIONAL, AND SO FORTH.

SECTION 1. Any society formed under this title for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement, or for the promotion and encouragement of science and the arts, may hold and receive any property, real or personal, by virtue of any gift, purchase, devise, or bequest necessary for the purposes of the said society, as stated in the certificate of incorporation or otherwise.

SEC. 2. Such societies may sell and dispose of any real estate they may acquire by purchase, gift, or devise, as follows: Whenever any lot purchased for the use of the corporation, or any building erected thereon, shall become ineligible for the uses for which said lot was purchased or said building erected, to be determined by a vote of two-thirds of the shares of the stock of said corporation, or the members of said corporation, at a meeting of the stockholders or corporators or members of said corporation specially called for that purpose, the proceedings of which meeting shall be duly entered in the records of said corporation, said lot or building may be sold and the proceeds thereof may be vested in another lot, or in the erection of another building, or both.

SEC. 3. When any real estate shall have been devised or given to any such corporation for any specified purpose as aforesaid, and where, by a vote of three-fourths of the stock held by the stockholders, or if no shares of stock have been created, then by a vote of three-fourths of the members thereof, at a meeting called for the purpose, of which such stockholders or members as aforesaid shall have at least ten days' notice, the said corporation shall determine to surrender their corporate powers and cease to act under the same, said real and personal estate, so acquired as aforesaid, shall be sold at public auction, proper notice of the time and place of said sale having been given, and the proceeds

of said sale equitably distributed among the stockholders or members aforesaid, or disposed of for the promotion and advancement of the objects for which such corporation was originally organized: *Provided*, That no corporation created by this section shall hold real estate more than five years, except so much as shall be necessary for the purposes named in its certificate.

CHAPTER VI.—CLASS IV. MANUFACTURING, AGRICULTURAL, MINING, MECHANICAL, COMMERCIAL, &C., CORPORATIONS.

SECTION 1. The capital stock of any corporation formed under the provisions of this title for the purpose of carrying on any manufacturing, agricultural, mining, mechanical, mercantile, transportation, marketing, telegraphing, or publishing business, shall in no case exceed one million of dollars.

SEC. 2. The trustees, managers, or directors of any such corporation may purchase, hold, and convey any real or personal estate whatever which may be necessary to enable the corporation to carry on their operations as named in the certificate of incorporation, but they shall not mortgage the same, or give any lien thereon, except in pursuance of a vote of the stockholders.

SEC. 3. No loan of money shall be made by any such company to any stockholder therein, and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted while they are stockholders or officers thereof.

SEC. 4. Telegraph companies formed under this title may obtain the right of way for their wires and the erection of poles as is hereinafter provided for railroad companies, in case the same be refused by individuals or the board of public works.

CHAPTER VII.—CLASS V. CEMETERIES.

SECTION 1. Persons associating themselves together for the purpose of forming a cemetery association under the provisions of this title shall have power to acquire, by gift, grant, or purchase, land not exceeding fifty acres, and lay the same out for a burial-place for the dead, and sell the same for such purpose, and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and poor; and they shall have the power to do all necessary acts, to the end that all the appliances, conveniences, and benefit of a public and private cemetery may be obtained.

SEC. 2. No lanes, alleys, streets, roads, canals, or public thoroughfare of any sort shall be opened through the property of any cemetery incorporated under this chapter which is used or appropriated for the purpose of burial; but no corporation formed for cemetery purposes shall be authorized to obstruct any public road, street, or lane actually opened and used as such at the time of its incorporation or then laid down on any plat, filed in the proper office, as to be opened for a street or road.

SEC. 3. The property of the corporation, its ground, lots, and appliances, shall be exempt from taxation, and shall not be liable to be seized or sold on execution.

SEC. 4. Every burial lot sold or conveyed in such cemetery shall be held by the proprietor thereof for burial purposes only, and shall be free from attachment or sale on execution, and the estate of the owner therein shall descend as real estate to heirs, may be devised by will, or sold with the consent of the managers of the cemetery; and a certificate (under the seal of the corporation) of ownership of any such lot sold or conveyed as aforesaid shall have the same effect in passing title as a formal conveyance by deed.

SEC. 5. Any person or persons desiring to dedicate any lot of land, not exceeding five acres, as a burial ground or place for the interment for the dead, for the use of any society, association, or neighborhood, may, by deed, duly executed or recorded, convey such land to the District of Columbia, by the corporate name of said District of Columbia, specifying in such deed the society, association, or neighborhood for the use of which the dedication is desired to be made, and thereby vest the title to such land in perpetuity for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever.

CHAPTER VIII.—CLASS VI. BOARDS OF TRADE.

SECTION 1. Any board of trade formed under this title shall always consist of at least fifteen members, and in the certificate of incorporation the fact shall be expressed that at least that number are associated together.

SEC. 2. Such boards shall have the right to admit and expel members and to inflict fines upon its members for breach of the by-laws, not, however, to exceed in any one case twenty-five dollars, and to collect the same by suit.

SEC. 3. Such boards of trade may purchase, hold, or convey any real or personal estate necessary for the uses of said board: *Provided, however*, That the real estate shall not exceed in quantity one parcel of ground and a building thereon.

SEC. 4. The award of any general committee of reference, appointed by such boards upon any matter of difference, submitted to such committee for arbitration, in writing, with or without seal, by any member of said board, or by any other person whatsoever, shall have the same force and effect as if the same had been submitted to the arbitration of the members of said committee of reference, by their individual names, by deed of submission; and any such award may be filed and made a rule of court, and judgment entered thereon and execution issued, in the same manner and under the same rules and regulations that other awards may be entered, under and by virtue of the laws in force in this District. No submission or arbitration bond shall be required to be filed with such awards; but four days' notice of the filing of such award shall be given to the opposite party by the party filing the award. Said committee of reference, when sitting as arbitrators as aforesaid, shall have the same right and power as justices of the peace to issue subpœnas and compel the attendance of witnesses.

SEC. 5. Such boards shall have no power or authority to do or carry on any business excepting such as is usual in the management and conduct of boards of trade or chambers of commerce.

CHAPTER IX.—CLASS VII. RAILROADS.

SECTION 1, Persons desiring to form railroad companies shall in addition to the requirements in subscribe at least fifty thousand dollars and pay in five per cent. of such subscriptions before they shall file their certificate of incorporation; and they shall in their said certificate state the point from which the proposed railroad is to be constructed, and at which it is to terminate, its route, and its length as near as may be.

SEC. 2. The directors named in the certificate of incorporation shall open books for subscription to the capital-stock of the company at such times and in such places as a majority of them may direct, thirty days' notice of which shall be given by publication in some daily paper published in said District; and in case a greater amount of stock shall be subscribed than the whole capital-stock required by such company, the directors shall distribute such capital-stock so subscribed as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one subscriber than by him subscribed for.

SEC. 3. Meetings of the stockholders may be called at any time during the interval between the annual meetings, by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of the meeting; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice; and if at any such meeting thus called a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day not exceeding three days, without transacting any business; and if within said three days stockholders having a majority of the stock do not attend such meeting, then the meeting shall be dissolved.

SEC. 4. At any meeting of the stockholders a majority of those present, in person or by proxy, may require from the directors a clear and distinct statement of the affairs of the company, and any president or director may be removed and others elected in their places, provided notice of intention so to do was given in the call for the meeting.

SEC. 5. Subscriptions to the capital-stock of any railroad company hereunder incorporated shall not be required to be paid except in equal installments of not more than ten per centum a month.

SEC. 6. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, and prescribing the duties of the officers, artificers, and servants that may be employed, and for the appointment of all the officers for the carrying on all the business within the object and purposes of such company.

SEC. 7. Every such company, before constructing a part of their road, shall make a map and profile of the route intended to be adopted by such company, which shall be certified by a majority of the directors, and filed in the office of the register of deeds aforesaid, for the inspection and examination of all parties interested.

SEC. 8. Every such company shall possess the general powers and be subject to the liabilities and restrictions in the special powers following, that is to say: First. To cause such examination and survey for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purpose, by their officers, agents, and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they

shall do thereto. Secondly. To receive, hold, and take such voluntary grant and donations of real estate, and other personal property, as shall be made to it, to aid in the construction, maintenance, and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only. Thirdly. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, and surveyors, and agents, enter upon and take possession of, and hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its railroad and stations, depots, and other accommodations necessary to accomplish the objects for which the corporation was created; but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, shall have been paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession. Fourthly. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purposes of cuttings, embankments, and procuring stone and gravel, may take as much more land within the limits of its charter, in the manner hereafter provided, as may be necessary for the proper construction and security of the road. Fifthly. To construct their road upon any street, or cross any stream of water, water-course, road, highway, railroad, or canal, so as not to interfere with the free use of the same, which the route of its road shall intersect, in such manner as to afford security for life and property; but the company shall restore the stream or water-course, road or highway, thus intersected to its former state, or in a sufficient manner not to have unnecessarily impaired its usefulness or injured its franchises. Sixthly. To cross, intersect, join, and unite with any other railroad before constructed on any point on its route, and upon the ground of such other railroad company, with the necessary turnouts, sidings, switches, and other conveniences in furtherance of the objects of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained or determined by commissioners, to be appointed as is provided hereinafter in respect to taking of lands; but this section is not to affect the rights or franchises heretofore granted. Seventhly. To purchase lands necessary for the use of said road or take them; may change the line of its road whenever a majority of the directors shall so determine, as is hereafter provided; but no such change shall vary the general route of the road. Eighthly. To take, transport, carry, and convey persons and property on their railroad by the force or power of steam, of animals, or any mechanical power, or by any combination of them, and to receive compensation therefor. Ninthly. To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and obtain and hold the lands therefor. Tenthly. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

SEC. 9. If any such company is unable to agree for the purchase of any real estate required for the construction of the track, turnouts, and water-stations, it shall have the right to acquire the title to the same in the manner and by the special proceedings herein prescribed.

SEC. 10. Such company is hereby authorized to enter upon any land for the purpose of examining and surveying its railroad-line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side-tracks and water-stations, materials for constructing, except timber, a right of way over adjacent lands sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains. The company shall forthwith deposit with the clerk of the supreme court of the District of Columbia a description of the rights and interests intended to be appropriated, and such land, rights and interests shall belong to such company, to use for the purpose specified, by making or tendering payment as hereinafter provided. The company may, by its directors, purchase any such lands, materials, right of way, or interest of the owner of such lands, or, in case the same is owned by a person insane, or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of said insane person or infant, if the same shall be appraised by the court aforesaid; and, on such agreement and approval, the owner, guardian, or parent, as the case may be, shall convey the said premises, so purchased, in fee-simple or otherwise, as the parties may agree, to such railroad company; and the deed, when made, shall be deemed valid in law. If the company shall not agree with the owner of the land, or with his guardian, if the owner is incapable of contracting, touching the damages sustained by such appropriation, such company shall deliver to such owner or guardian a copy of such instrument of appropriation. If the owner or his guardian, in case such owner is incapable of contracting, be unknown, such company shall publish in some newspaper in the District, to be designated by said court, for the term of six weeks, an advertisement reciting the substance of such instrument of appropriation. Upon fixing such act of appropriation and delivery of such copy, or making such publication, the supreme court for the District of Columbia, upon the application of either party, shall appoint by warrant three disinterested freeholders of the neighborhood on which the land lies, to appraise the damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn; they shall consider the injury which such owner may sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of the said court, setting forth the value of the property taken, or injury done to the property, which they assess to the owner, or owners, separately, to be by him filed and recorded; and thereupon such corporation shall pay to said clerk the amount thus assessed, or tender the same to the party in whose favor the damages are awarded or assessed; and on making payment or tender thereof, in the manner herein required, it shall be lawful for such corporation to hold the interests in such lands or materials on said roadway within fifty feet on each side of the center of such roadway, for the uses aforesaid. The cost of such award shall be paid by such company; and on notice by any party interested and showing said proceedings, the court may order the payment thereof, and enforce such payment by execution. The award of said arbitrators may be reviewed by the said court, in which such proceedings may be had, on written exceptions filed by either party, in the clerk's office, within ten days after the filing of such award, and the court shall take such order therein as right and justice may require, by ordering a new appraisement on good cause shown: *Provided*, That, notwithstanding such appeal, such company may take possession of the property therein described as aforesaid, and the subsequent proceedings on the appeal shall only affect the

amount of compensation to be allowed, if prior to the assessment the company shall tender to such owner or guardian, and in case of refusal to receive the same shall pay into court, if he be unable to contract, an amount equal to the award afterward made, exclusive of costs. The costs of arbitration shall be paid equally by such company and such owner or guardian.

SEC. 11. If there are any adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the company until it can determine who is entitled to the same, and shall direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts in which such determination and order are to be made.

SEC. 12. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent; the court shall also have power, at any time, to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as it deems proper, and also to appoint other commissioners in the place of any who shall die, or refuse, or neglect, or are unable to serve, or who may leave or be absent from the District.

SEC. 13. At any time after an attempt to acquire title by appraisal of damages, or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same, in the same manner as if no appraisal had been made; and at any stage of such new proceedings the court may authorize the company, if in possession, to continue in possession, to take possession of and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions and proceedings against the company, or any officer or agent or workman of such company on account thereof, on such company paying into court a sufficient sum, as the court may direct, to pay the compensation therefor, when finally ascertained; and in every such case the party interested in real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

SEC. 14. Such company may, from time to time, borrow such sums of money as they may deem necessary for completing or operating their railroad, and issue and dispose of their bonds, for any amounts so borrowed, for such sums and at such rates of interest as may be agreed upon, and mortgage their corporate property and franchises to secure the payment of any debt contracted by such company; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding fifteen years from the date of said bond, under such regulations as the company may adopt; and such company may sell their bonds whenever they may deem proper, and such sales shall be as valid as if such bonds should be sold at par value. But such company shall not have power to issue any bonds or to execute any mortgages upon its property or franchises until at least one half of the capital stock shall have been fully paid.

SEC. 15. If at any time after the location of the track of such road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of such company that the line thereof may be improved, such

directors may, from time to time, alter the line, and cause a new map to be filed in the said register's office, and may thereupon take possession of the lands embraced in such new location that may be required for such construction and maintenance of such road on such new line, either by agreement with the owner or by such proceedings as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted.

SEC. 16. Whenever the track of such railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by the directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands, and the same, when so made and compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of such highway may be held for highway purposes.

SEC. 17. Every conductor, baggage-master, engineer, brakeman, or other employé of any such railroad corporation, employed on a passenger-train, or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office and the initial letters of the style of the corporation by which he is employed. No collector or conductor without such badge shall demand, or be entitled to receive, from any passenger any fare, toll, or ticket, or exercise any of the powers of his office; and no other of said officers or employés without such badge shall have any authority to meddle or interfere with any passenger or property.

SEC. 18. In lieu of the certificate required by the ———, every such corporation shall make an annual report, to be verified by the oath of the treasurer and acting superintendent of operations, to be filed in the office of the recorder of deeds during the first twenty days in January in each year, which report shall state: First. The capital stock and the amount actually paid in, and how much, if any, property was received in payment of stock under the provisions of the — section of Chapter — of this Title. Secondly. The amount expended for the purchase of lands, for the construction of the road, for buildings, and for engines and cars respectively. Thirdly. The amount and nature of its indebtedness, and the amounts due the corporation. Fourthly. The amount received for the transportation of passengers, of property, of mails, and from other sources. Fifthly. The amount of freight, specifying the quantity, in tons, of the products of the forest, of animals, of vegetables, food, other agricultural products, manufactures, merchandise, and other articles. Sixthly. The amount paid for repairs, engines, cars, buildings, and salaries. Seventhly. The number and amount of dividends, and when paid. Eighthly. The number of engine-houses and shops, of engines and cars, and their character.

SEC. 19. Any such corporation shall, when applied to by the Postmaster-General, convey the mails of the United States on their road; and in case such corporations shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner, and condition of carrying the same, the said supreme court may appoint three commissioners, who shall fix and determine the same.

If any passenger shall refuse to pay his fare or toll, the conductor of the train may put him out of the car at any usual stopping-place.

Every such company shall start and run their cars for the transportation of persons or property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time previous thereto offer, or be offered, for transportation at the place of starting, and the junction of other railroads, and at siding and stopping places established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of tolls, freight, or fare, therefor.

In case of the refusal by such company or their agents so to take and transport any passenger or property, or to deliver the same at the regular appointed place, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

In forming a passenger-train, baggage, or freight, or merchandise, or lumber cars shall not be placed in rear of passenger-cars; and if they or any of them shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly.

SEC. 20. The capital-stock of such railway companies may be increased as hereinbefore provided, but in no case to an amount greater than the actual cost of building and equipping the road.

SEC. 21. No railroad shall be built under the provisions of this title until the route and termini have been approved and sanctioned by the board of public works, the Secretary of the Interior, and the officer in charge of public buildings and grounds, and such board may make all needful rules and regulations for the operation and management of said railroads, and may regulate by general rules the rates of fare and freight thereon; and any company laying its rails upon the streets or other public highways shall be compelled to keep their tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, as said board may direct, at the expense of said company.

SEC. 22. Nothing contained in this chapter shall be so construed as to authorize any corporation organized under the provisions of this title to construct or own any railroad outside of the District.

CHAPTER X.—CLASS VIII. SAVINGS-INSTITUTIONS.

SECTION 1. Persons desiring to form savings-banks shall give bond to the United States in double the amount of stock to be owned by them, to be approved by the supreme court of the District of Columbia and filed in the clerk's office thereof, conditioned upon their faithfully complying with the laws affecting them and making good to each depositor his deposits in such bank; which bond shall be renewed whenever required by said court; and any person suffering by the failure of such bank to comply with the requirements of the law, or to make good his deposits, shall have a remedy upon said bond in the said supreme court.

SEC. 2. The capital-stock of a savings-bank shall not exceed one million nor be less than one hundred thousand dollars.

SEC. 3. Savings-banks may lend money upon commercial paper, real

or personal property, but no part of their funds shall be loaned to any officer or director thereof, and they may allow such interest on deposits as may be agreed upon.

SEC. 4. At least once in every twelve months the directors shall appoint five competent members of the corporation, who shall investigate its affairs and publish a report thereof in one or more newspapers in the District.

SEC. 5. It shall be the duty of the directors at least once in every six months to make, declare, and cause to be paid such dividends of the interest and profits of their corporations as will not impair the deposits thereof or otherwise injure or affect the interest or credit.

CHAPTER XI.—CLASS IX. INSURANCE COMPANIES.

SECTION 1. Under this title companies may be formed for the purpose of fire, life, marine, and accident insurance; for the dealing in annuities, and for guaranteeing the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, &c., or the faithful discharge of their duties by fiduciaries or for all of these purposes, or such of them as may be expressed in the certificate of incorporation.

SEC. 2. Insurance companies formed under this title may be either on the mutual, stock, or stock and mutual plan, or the saving's-bank insurance plan.

SEC. 3. Every insurance company, whether organized in this District or doing business here, shall annually, within twenty days after the first of January, cause to be made and certified to be true under the oath of the president, or other chief officer thereof, a full statement of its affairs, showing its assets and liabilities, and of what they consist; which statement shall be published in at least one daily newspaper in this District published in the English language.

SEC. 4. Every life-insurance company incorporated under this title, or doing business in this District of Columbia, shall have a guarantee capital of not less than one hundred thousand dollars, which shall be invested in securities of the United States or the District of Columbia, and the same shall, before the company issue policies, be deposited as a special deposit in the treasury of this District, as a guarantee for the payment of the policies of insurance issued by said company; and the company may, from time to time, sell, dispose, exchange, and redeposit the said securities under the direction of said treasurer; and the interest and profits accruing and made on said securities, and the sale or exchange thereof, shall be collected by and paid to said company; but the amount above specified shall at all times be kept by said company so deposited as required.

SEC. 5. The capital-stock of any insurance company incorporated under this title shall not exceed the sum of two millions of dollars, nor be less than one hundred thousand dollars; and at least one-fifth of the capital-stock shall be paid in before the company shall be competent to transact the business for which it shall have been incorporated; and no insurance company organized outside the District shall be competent to transact business here, unless it shall have as much capital-stock and as much paid in as is above required.

CHAPTER XII.—CLASS X. HOMESTEAD OR BUILDING ASSOCIATIONS.

SECTION 1. The capital-stock of any homestead or building association shall not consist of more than two thousand five hundred shares, of two hundred dollars each, the installments on which stock shall be paid at such time and place as provided in the by-laws; but no periodical payment of over two dollars is to be made upon a share. New shares of stock may be issued in lieu of shares withdrawn or forfeited, and the stock may be issued in one series, or in successive series, and in such amount as the stockholders may determine.

SEC. 2. Every stockholder neglecting to pay his installments as they fall due, and other dues and interest, shall forfeit and pay such additional sum as the by-laws may determine, not to exceed the sum of ten cents monthly on every dollar due by him.

SEC. 3. Every stockholder who shall fail to give satisfactory security within one month for money loaned upon his bid, as hereinafter provided, shall be fined one dollar for each and every share loaned upon and charged, with all expenses incurred on account thereof.

SEC. 4. The board of directors may remit fines and penalties when occasioned by sickness or satisfactory cause, other than neglect.

SEC. 5. Fines, penalties, and premiums as herein allowed shall not be taken or held to be usury, and may be recovered by suit.

SEC. 6. Any stockholder may withdraw upon giving to the directors thirty days' notice of his intention to do so; and upon withdrawal he shall be entitled to receive the amount paid in by him, and such proportion of the profits as the by-laws may determine, less fines and charges: *Provided, however*, That at no time shall more than one-half the funds in the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the board of directors, and no stockholder shall be entitled to withdraw whose stock is held in pledge for security.

Upon the death of a stockholder, his legal representatives shall be entitled to receive the full amount paid in by him and legal interest thereon, first deducting all charges due on said stock, and no fines or penalties shall be charged to a deceased member's account after his decease, unless his legal representative elect to continue his (decedent's) interest in the corporation and assume the future payments on his stock.

SEC. 7. Every share of stock shall be subjected to a lien for the payment of unpaid installments and other charges thereon, under the provisions of this law and the by-laws made pursuant thereto, and the by-laws may prescribe the manner of enforcing such lien, whether by forfeiture of the stock or otherwise.

SEC. 8. All fines, penalties, and forfeitures shall be for and inure to the benefit of the corporation.

SEC. 9. Stated meetings shall be held by the officers of the incorporation, at which the money in the treasury, if over two hundred dollars, shall be offered for loan in open meeting; and the stockholder who shall bid the highest premium for the preference or priority of loan (which offering and bidding shall not be construed an auction for the purposes of license) shall be entitled to receive a loan of two hundred dollars or more, as provided by the by-laws for each share of stock held by him; and he may borrow such fractional part of two hundred dollars as provided by the by-laws; and for the repayment of all money borrowed he shall give good and ample security.

SEC. 10. A borrower may repay a loan at any time, and, in case of repayment thereof before the expiration of the eighth year after the

organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid for every year of said eight years then unexpired; and in case of recovery of loans by process of law, when the amount collected by or distributed to the corporation shall exceed the amount of loan taken by the borrower, with interest and charges, the money shall be re-loaned at the next stated meeting; and the excess recovered beyond the amount required to pay the loan, with interest and charges thereon, if any there be, shall be returned to the borrower from whom it was collected or his legal representative: *Provided*, That, in case the corporation shall have issued its stock in separate series, such re-loan shall be made only to the stockholders of the same series: *And provided*, That if the premium offered for the re-loan shall be greater than that originally given by the defaulting borrower, the amount of the original premium only shall be paid over by said corporation: *And provided further*, That such defaulting borrower may, at any time after the said re-loaning, demand from said corporation the amount due from the corporation to a stockholder withdrawing his stock, saving, however, to the corporation, the right to retain so much, or the whole thereof, as may be requisite to save it from loss in case the amount recovered shall not suffice to pay the re-loan.

SEC. 11. Any homestead or building association may purchase, at any sale, any real estate upon which it holds any lien or incumbrance, or in which it has any interest, and may sell, lease, or mortgage the same at its pleasure.

CHAPTER XIII.—RE-INCORPORATION.—CHANGING BUSINESS.—ALTERATION OF CAPITAL-STOCK.

SECTION 1. Any corporation heretofore formed, whether by special act or general law, and now existing in this District, for any of the purposes contemplated by this title, and any corporation formed under this title, may increase or diminish its capital-stock, subject to the limitations and liabilities of this title, or extend its business so as to include other objects of the same class to which it belongs; and any existing corporation may come under and avail itself of the privileges and provisions of this title, and thereupon become subject to all the restrictions, duties, and liabilities imposed upon corporations formed hereunder: *Provided, however*, That no railroad company organized in this District shall combine with, or be leased to, or lease another.

SEC. 2. Before any corporation shall be entitled to diminish the amount of its capital-stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied, and reduced so as not to exceed such diminished amount of capital.

SEC. 3. Whenever any corporation shall desire to call a meeting of the members, stockholders, or shareholders for the purpose of availing itself of the privileges of this, or for increasing or diminishing the amount of its capital-stock, or for extending or changing its business, it shall be the duty of the trustees, managers, or directors to publish a notice, signed by a majority of them, in a newspaper in the District of Columbia, for at least once in three successive weeks, and to deposit a notice thereof in the post-office addressed to each stockholder or member, at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting and the time and place when and where such meeting shall be held; and a vote

of at least two-thirds of all the members, or of all the shares of stock, shall be necessary to an increase or diminution of the amount of its capital-stock, or the extension or change of its business as aforesaid, or to enable a company to avail itself of the provisions of this act.

SEC. 4. If at the place and time specified in such notice, two-thirds of all the members in person, or by proxy, or stockholders, shall appear, by proxy or in person, representing not less than two-thirds of all the shares of stock of the corporation, they shall organize and proceed to a vote of those present, in person or proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes are in favor of increasing or diminishing the amount of capital, or extending or changing its business as aforesaid, or for availing itself of the privileges and provisions of this act, a certificate of the proceedings, showing a compliance with the provisions of this chapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary; and such certificate shall be acknowledged by the chairman, and filed in the office of the recorder of deeds, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid; and the company shall be entitled to the privileges and provisions, and be subject to the liabilities, of this act.

SEC. 5. Two or more corporations of the same class may unite, by proceedings similar to those above described being had by each corporation, in which case the certificates required, as in the preceding section, shall contain the new name assumed.

SEC. 6. The assets and liabilities of corporations re-incorporated, or united as hereinbefore provided, shall survive to the new corporations formed, and any personal liabilities of trustees, managers, directors, stockholders, or members of the old corporations shall not be extinguished by the re-incorporation, or consolidation, or change of capital stock.

CHAPTER XIV.—FORFEITURE OF CHARTER, DISSOLUTION OF CORPORATION, SALE OF CORPORATE FRANCHISES, ETC.

SECTION 1. Whenever any corporation shall be adjudged a bankrupt, it shall thereby be dissolved and its charter be forfeited.

SEC. 2. The attorney of the United States for the District of Columbia shall have the right to proceed against any corporation, or assumed corporation, in this District, for the misuse, abuse, or non-use, or unauthorized use of corporate powers and franchises, by scire facias, or quo warranto, and to prosecute, in behalf of the United States, in the supreme court of the District of Columbia, for a forfeiture of all rights and privileges secured by special charter or general incorporation laws, when such corporations have a legal existence, and for the restraint and injunction of persons assuming to act as corporations, when not such legally, whenever, in his judgment, such action is necessary, and the questions of such misuse, abuse, non-use, or unauthorized use, shall be tried before a jury, unless the parties elect to have them heard before a justice alone.

SEC. 3. Whenever any member, stockholder, or shareholder of any corporation, now incorporated or hereafter to be incorporated, in this District, or any person injured by an alleged unauthorized use, or misuse, abuse,

or non-use of corporate franchises and powers by any such corporation, or any persons assuming to be a corporation, shall, under oath, specify such unauthorized use, misuse, abuse, or non-use of corporate franchises and powers by any such corporation, or persons assuming to be a corporation, and shall call upon the attorney of the United States for the District of Columbia to prosecute said company, or assumed company, for forfeiture or restraint of its said franchises, or assumed franchises, and shall file a bond, with security, to be approved by said attorney, to save the United States harmless and free of cost by reason of such prosecution, it shall be the duty of the said attorney for the United States to allow such proceedings as the case may require to be entered in the name of the United States by such member, stockholder, or shareholder.

SEC. 4. Whenever any judgment of forfeiture has passed against any corporation, it shall be the duty of the clerk to certify the same to the justice holding the special term for the trial of equity causes, who shall thereupon appoint such receiver or receivers as may be necessary, under its direction, to close the affairs of the corporation, and hold and distribute its assets among and for the benefit of creditors and members, shareholders, or stockholders. No forfeiture of its charter shall abate any suit or action then pending, wherein the corporation was a party, but the same shall survive to or against said receiver or receivers; and no forfeiture of a charter shall relieve the stockholders of any corporation from the liability imposed upon them by section —.

SEC. 5. Upon the dissolution in any manner not otherwise provided for of any incorporation, and unless other persons shall be appointed by some competent authority, the trustees, directors, or managers of the corporation at the time of its dissolution shall be the trustees of the creditors and members, stockholders or shareholders of the corporation dissolved, and shall have full power to settle the affairs of the corporation and to pay its debts, and shall divide among said members, &c., the money, &c., that shall remain after the payment of the debts and necessary expenses, and they shall be jointly and severally liable to said creditors and members, &c., of said corporation to the extent its property and effects may come into their hands.

SEC. 6. Upon the sale of the effects of any corporation, whether upon execution or pursuant to any judgment or decree, or as the result of dissolution of such corporation and the settlement of its affairs, the corporate franchise or franchises, if any there be, may be sold. But such franchises shall not be purchased by less than five individuals, a majority of whom shall be citizens of the District, and who shall proceed to exercise said franchises under the requirements and restrictions pertaining to the corporation whose franchises have been so sold.

SEC. 7. If a majority of the trustees, directors, or managers of any corporation organized under this title, or a majority of the members or stockholders thereof, shall deem it beneficial to the members, stockholders, or shareholders of such corporation, or others interested therein, that the same should be dissolved, they may file a bill praying its dissolution on the equity side of the supreme court of the District of Columbia, making the corporation, by its corporate name, defendant; which bill shall set forth, clearly and concisely, the actual condition and affairs of such corporation, naming members, and stockholders, and creditors in full, and the amounts of their respective interests in said corporation, and stating the reasons why such dissolution is sought.

SEC. 8. Notice by such publication as the court may direct shall be given of the filing of this bill, and at the expiration of thirty days from the filing thereof the court may proceed to determine the ques-

tion upon such papers, answers, exceptions, and objections as may have been filed, or may take such further steps to obtain proofs, &c., as may be deemed necessary. And upon full consideration of the premises, the court may make a decree of dissolution, and vest the affairs of the corporation for settlement either in a receiver or receivers, or the trustees, &c., of the corporation.

SEC. 9. All sales, assignments, transfers, mortgages, or other dispositions or conveyances of any part of the assets of the corporation made after filing such a bill, and any confession of judgment made therafter, shall be void as against said receivers.

SEC. 10. This title and the several chapters thereof may at any time be altered, amended, or repealed by Congress or the legislative assembly, saving and preserving all rights which may become vested under the same, and any incorporation formed under this title may be altered, amended, or repealed by Congress; but such amendment or repeal shall not, nor shall the dissolution of any company formed under this title, take away or impair any remedy given against any such corporation, its members, stockholders, or officers, for any liability which shall have been previously incurred.

CHAPTER II.—LIMITED PARTNERSHIPS.

1. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District of Columbia may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities, herein prescribed.

2. Such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners are by law, and of one or more persons, who shall contribute in actual cash payments a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership beyond the fund so contributed by him or them to the capital; but the number of special partners shall in no partnership exceed six.

3. Persons desirous of forming such partnership shall make and severally sign a certificate, which shall contain the name or firm under which such partnership is to be conducted; the general nature of the business intended to be transacted; the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence; the amount of capital which each special partner shall have contributed to the common stock; the period at which the partnership is to commence, and the period at which it is to terminate.

4. The certificate shall be acknowledged by the several persons signing the same before a notary public or a judge of any court in the District of Columbia, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District of Columbia, and shall be recorded by him at large in a book kept for that purpose, open to public inspection.

5. The time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners, shall also be filed therewith in the same office, stating that the sums specified in the certificate to have been contributed

by each of the special partners to the common stock have been actually and in good faith paid in cash.

6. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed as above directed; and if any false statement (not the result of accident or mistake) shall be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners.

7. The partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks, immediately after such registry, in two newspapers to be designated by the clerk of the court in which such registry shall be made, the first publication to appear within one week after the registry, and if such publication be not made, the partnership shall be deemed general. The affidavits of the publication of such notice by the editors or publishers of the newspapers in which the same shall have been published shall be filed with the clerk directing the same, and shall be prima facie evidence of the facts therein contained; the affidavit of any one editor or publisher of each newspaper being sufficient.

8. Every renewal or continuance of such partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner herein required for its original formation; and every such partnership which shall be otherwise renewed and continued shall be deemed a general partnership.

9. Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership, under the provisions of the last preceding section.

10. The business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co. or company, as the parties may determine; and in any action or suit to be brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partner or partners whose name or names shall be used in said firm or business shall be the only necessary defendants; and any judgment or decree recovered against said defendant or defendants shall have the same legal effect and operation, and execution thereon shall be enforced and have like effect against the partnership assets as if the judgment or decree had been recovered against the general partners.

11. If the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner, and the general partners only shall transact the business; and if a special partner shall interfere, contrary to this provision, he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns, and advise as to their management.

12. No part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him, or paid or transferred to him, in the shape of dividends, profits, or otherwise, during the continuance of the partnership, but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital;

and if, after payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

13. If it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof.

14. Every sale, assignment, or transfer of any property or effects of such partnership, or of any general partner, made by such partnership, or general partner, when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner, under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

15. Every special partner who shall violate any of the provisions of the last two sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner.

16. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied.

17. All suits respecting the business of the partnership shall be brought by and against the general partners only, except in those cases in which provision is hereinbefore made that special partners shall be deemed general partners, and special partnerships general partnerships, when all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships, and except, also, the case provided for in section numbered ten.

18. In any case or suit brought against general and special partners, and at the trial of the cause it shall appear that the special partners, or any of them, are not liable to the writ of the plaintiff, the court may proceed to judgment or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendants to the writ, excepting that the partners who may be deemed not liable shall recover their legal costs against the plaintiffs; and if creditors shall have recovered a judgment or obtained a decree against general partners only, and shall afterward discover that special partners, or some one or more of them, have become liable as general partners, he may bring a new suit against such special partner or partners; and in such suit the judgment recovered as aforesaid shall be prima facie evidence of the amount due by the partnership, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners, as against any other partner or partners.

19. No dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of a death of one of the partners, or insolvency of the partnership, or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published once a week for four weeks in two newspapers, to be designated by the clerk of the supreme court of the District of Columbia, which publication may be proved by affidavit and

recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

20. In every special partnership, general partners shall be liable to account to each other and to special partners, for the management of the concerns both in law and equity, as other partners now are by law. And every partner who shall be guilty of fraud in the management of the affairs of the partnership, shall be liable civilly to the party injured to the extent of his damage, and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried.

21. In all cases not otherwise provided for in this chapter, the members of limited partnerships shall be subject to all the liabilities, and entitled to all the rights, of general partners.

TITLE VII.—OF MISCELLANEOUS PROVISIONS.

CHAPTER I.—OF ARBITRATIONS AND UMPIRAGES.

1. All persons, except infants and insane persons, may, by an instrument in writing, submit to the arbitration or umpirage of any person or persons, to be by them mutually chosen, any controversy existing between them which might be the subject of an action, and may agree that such submission be made a rule of the supreme court of the District of Columbia.

2. When an agreement is made according to the preceding section, the parties shall execute bonds, with condition to abide and faithfully perform the award or umpirage, specifying therein the name of the arbitrator or arbitrators, and the matters submitted to their determination, and an agreement to make the submission a rule of court. After the execution of such bonds, neither party shall have power to revoke such submission, without the consent of the other.

3. As soon as such bonds are duly delivered, if no time and place be fixed by agreement, either party may appoint a time and place for the arbitrator or arbitrators to meet, by giving to the opposite party and to such arbitrator or arbitrators at least five days' written notice.

4. Before proceeding to hear any testimony, such arbitrator or arbitrators shall be sworn faithfully and fairly to hear and examine the matters in controversy, and to make a just award, to the best of his or their understanding. Such oath, and oaths to witnesses, may be administered by any person authorized to administer oaths.

5. Witnesses may be required to attend before arbitrators on behalf of either party by summons issued by any justice of the peace, or other officer authorized to issue subpœnas, in the same manner and subject to the same process and penalties for disobedience, to be enforced by such justice, or other officer, as is according to law.

6. As soon as the arbitrator or arbitrators are ready to proceed to business, the parties may exhibit their proofs. All the arbitrators must meet together and hear the allegations of the parties, but the award of a majority shall be valid, unless otherwise required by the submission. The arbitrators may adjourn the hearing, from time to time, as may be necessary.

7. The award shall be in writing, and signed by the arbitrator or arbitrators agreeing thereto.

8. The fees of the justice or other officer, issuing process, and of the witnesses in such case, shall be ascertained and estimated by the arbitrators, and returned with the award, including therein their own proper fees.

9. A true copy of the award, and of the costs aforesaid, shall be delivered to each of the parties, or his attorney, or left at his last usual place of residence, by any one of the arbitrators, within ten days after the signing of such award.

10. If either of the parties shall fail or refuse to comply with such award, the other party may file the same, together with the agreement of submission, in the court, and thereupon the said court shall grant a rule thereon against the adverse party, to show cause, at present, or

the succeeding term of the court, why judgment should not be rendered by the court upon said award.

11. Upon the return of the rule, the court shall cause such submission and award to be entered of record, and confirm the award and render judgment thereon, unless the award be vacated.

12. In all cases where an award or umpirage shall be presented to the court for a judgment to be entered thereon, the adverse party may show for cause against the rendition of said judgment any of the following grounds:

First. That such award was obtained by fraud, surprise, corruption, or other undue means; or that there was evident partiality or corruption in the arbitrators, or any of them.

Second. That the arbitrators were guilty of misconduct or committed gross error in refusing, on cause shown, to postpone the hearing, or in refusing to hear pertinent and material evidence, or in acting without due notice to parties or their attorneys, or otherwise acted improperly, in a manner by which the rights of the party were prejudiced.

Third That the arbitrators exceeded their powers in making their award; or that they refused, or improperly omitted, to consider a part of the matters submitted to them; or that the award is indefinite, or cannot be performed.

13. Any party to such submission may move the court to modify or correct such award or umpirage in the following cases:

First. When there is an evident miscalculation of figures, or an evident mistake in the description of any person, thing, or property referred to or mentioned in such award or umpirage, or any evident mistake apparent on the face of such award or umpirage.

Second. When the arbitrators shall have awarded upon some matter not submitted, and not affecting the merits of the decision upon matters which were submitted.

Third. When the award shall be imperfect in some matter or form, not affecting the controversy, and when, if it had been a verdict, such defect could have been properly amended or disregarded by the court.

14. The court shall hear the proof and allegations of the parties to invalidate or sustain such award, and decide thereon, either confirming such award, or may modify and correct the same in the cases prescribed in the last preceding section so as to effect the intent thereof, and shall render judgment on such original or corrected award; or the court may vacate such award for any of the causes hereinbefore specified, at the cost of the parties seeking to enforce such award.

15. If such award be confirmed, judgment shall be given in favor of the party to whom any sum of money or damages shall have been awarded that he recover the same; and if the award shall have ordered any act to be done by either party, judgment shall be entered that such act be done according to such award.

16. The costs of the proceedings in court shall be as in civil actions; and if no provisions for the fees and expenses of the arbitration shall have been made in the award, the court shall make the allowance therefor.

17. When, by any judgment of the court on the award, any party shall be required to perform any act other than the payment of money, the court shall have power to enforce the same by attachment until the terms of such judgment shall be complied with.

18. If the rule to show cause why judgment should not be rendered on the award be not served personally on the party against whom it was issued, the court shall require proof of the submission and award, and of service of the award.

19. If either of the parties should die before an award is returned and judgment thereon, or reasonable notice to the person succeeding to the interest of the deceased in the matter in contest, and not being a minor, the arbitrator or arbitrators shall proceed to a determination, and return their award, upon which judgment may be entered, notwithstanding the death of either of the parties.

20. If any arbitrator appointed by the parties upon any submission as aforesaid shall die or refuse to act, the court shall, upon motion of either of the parties, appoint an arbitrator or arbitrators in his place, who shall have the same power to decide the matter in question as if appointed by the parties.

21. Nothing in this chapter contained shall preclude the submission and arbitration of controversies according to the common law.

22. Arbitrators shall be allowed five dollars per day each for their services, when there is no agreement otherwise.

CHAPTER II.—AGENTS, CONSIGNEES, AND FACTORS.

1. Every person in whose name merchandise is shipped for sale by a person in the lawful possession thereof at the time of the shipment, shall be deemed to be the true owner thereof, so far as to entitle the consignee to a lien thereon for money advanced or securities given to the shipper for or on account of such consignment, unless the consignee, at or before the time when he made the advances or gave the securities, had notice, by the bill of lading or otherwise, that the shipper was not the actual and bona-fide owner.

2. Every factor or other agent intrusted with the possession of merchandise, or bill of lading consigning merchandise to him, for the purpose of sale, shall be deemed to be the true owner thereof, so far as to give validity to any bona-fide contract made by him with any other person for the sale of the whole or any part of such merchandise.

3. When a person intrusted with merchandise, and having authority to sell or consign the same, ships or otherwise transmits or delivers it to any other person, such other person shall have a lien thereon for any money or merchandise advanced or negotiable security given by him on the faith of such consignment, to or for the use of the person in whose name such consignment or delivery was made; and for any money, negotiable security, or merchandise received for the use of the consignee by the person in whose name such consignment or delivery was made, if such consignee had, at the time of such advance or receipt, probable cause to believe that the person in whose name the merchandise was shipped, transmitted, or delivered was the actual owner thereof or had a legal interest therein to the amount of said lien.

4. When a consignee or factor having possession of merchandise with authority to sell the same, or having possession of a bill of lading, permit, certificate, or order, for the delivery of merchandise, with like authority, deposits or pledges such merchandise or any part thereof, or such document, with any other person as a security for money or merchandise advanced, or a negotiable instrument given by him upon the credit thereof, such other person (if he makes such loans, advances, and exchanges, in good faith and with probable cause to believe that the agent making the deposit or pledge had authority so to do, and was not acting fraudulently against the owner of such merchandise) shall acquire the same interest in, and authority over, such merchandise and

documents as he would have acquired thereby if the agent had been the actual owner thereof, notwithstanding he had notice of such agency.

5. When such merchandise or document is accepted in deposit or pledge for an antecedent debt due from such consignee or factor, the person receiving the same shall thereby acquire no other or further right, or interest in, or authority over, or lien upon, the same than the consignee or factor might have enforced against the actual owner.

6. The provisions of the three preceding sections shall not affect the lien of a consignee or factor at law, for the expenses and charges attending the shipment, transportation, and care of merchandise intrusted to him; nor prevent the actual owner from recovering such merchandise from the consignee or factor previous to the pledge thereof, or from his assignees in case of his insolvency; nor prevent such owner from recovering any merchandise or document so deposited or pledged, upon tender of the money and restoration of the negotiable security or property so advanced to such consignee or factor, and upon tender of such further sum of money and restoration of such negotiable instrument or property as may have been advanced or given by the consignee or factor to the owner, or upon tender of a sum of money equal to the amount or value thereof; nor prevent him from recovering from the person with whom such merchandise may have been so deposited or pledged, any balance of money remaining in his hands as the proceeds of the sales thereof, after deducting the amount of the moneys or of the negotiable security so advanced thereon.

CHAPTER III.—COMMON CARRIERS.

1. Whenever freight forwarded by any common carrier to any point in this District shall remain unclaimed, and the legal charges thereon unpaid, for the space of six months after its arrival at the point to which it shall have been directed, and the owner or person to whom the same is consigned cannot be found, upon diligent inquiry, or, being found and notified of the arrival of such freight, shall neglect to receive the same and pay the legal charges thereon for the space of sixty days after notification, it shall be lawful for such carrier to sell such freight, at public auction, after giving ten days' notice of the time and place of said sale, by public advertisement in some newspaper published in said District, and out of the proceeds of such sale to pay the legal charges on said freight, and expenses attending the sale, and to pay the overplus, if any, to the owner or consignee of such freight on demand.

2. Whenever personal baggage, bundles, and luggage, transported by any common carrier, to any point in this District, shall remain at the place to which the same is or shall be directed, or any lost or stray baggage shall remain unclaimed by the owner or consignee for the space of one month, the same shall thereafter be subject to reasonable charges for keeping and storing the same; and if, after the expiration of three months from the time said personal baggage, bundle, luggage, lost or stray baggage, shall be received at the place to which the same shall be or shall have been transported, said reasonable charges shall not be paid, and the owner, or person to whom the same shall be directed, cannot upon diligent inquiry be found, or, being found and notified of the arrival of such property, shall neglect to receive the same and pay such reasonable charges thereon, it shall be lawful for such carrier to sell such property at public auction, after giving ten days' notice of the time and

place of said sale, by public advertisement in some newspaper published in said District, and out of the proceeds of such sale to pay the legal charges on said property, and expenses attending the sale, and to pay the overplus, if any, to the owner or consignee of any such property: *Provided*, That nothing in this section shall prevent the owner or consignee of any such property from recovering of any such carrier the whole of any such property, in cases where the same shall be lost or destroyed by the carelessness or negligence of such carrier.

3. Where the freight is of a perishable nature and will be greatly injured by delay, or is live stock, a sale may be made at such shorter period and notice as any justice of the peace, upon a verified application, may designate.

4. The provisions of this chapter shall not interfere with any special agreement of the parties.

CHAPTER IV.—INN-KEEPERS.

1. Every landlord or keeper of a public inn or hotel in this District, who shall constantly have in his inn or hotel an iron safe, in good order, and suitable for the safe custody of money, jewelry, and other valuable articles belonging to his guests or customers, shall keep posted up conspicuously, at the office, also on the inside of every entrance door of every sleeping and sitting room of his inn or hotel, notices to his guests and customers that they must leave their money, jewelry, and other valuables with the landlord, his agent or clerk, for safe-keeping, that he may make safe deposit of the same in the place provided for that purpose; and shall file every third year with the register of the District of Columbia, his bond to the said District, (for the benefit of persons interested,) in the sum of five thousand dollars, with two sufficient freehold sureties, to be approved by said register, to pay over and deliver, when demanded, to the owner the said money, jewelry, and other valuables deposited for safe-keeping as aforesaid.

2. Whenever the said register shall be of opinion that the said bond is or has become insufficient for any cause, he may require within five days a new bond to be filed with sufficient sureties.

3. Such landlord, hotel or inn keeper that shall comply with the requirements of the preceding section, shall not be liable for any money, jewelry, or other valuables of gold, silver, or rare and precious stones, that may be lost, if the same is not delivered to said landlord, hotel or inn-keeper, his agent or clerk, for deposit, unless such loss shall occur by the hand or through the negligence of the landlord, or by a clerk or servant employed by him in such hotel or inn: *Provided*, That nothing herein contained shall apply to such amount of money and valuables as is usual, common, and prudent for any such guest to retain in his room or about his person.

CHAPTER V.—LAW OF THE ROAD.

1. As used in this chapter, the word "way" includes all kinds of public ways, and the word "team" all kinds of conveyances on such ways for persons and for property.

2. When persons traveling with a team are approaching to meet on a way, they are seasonably to turn to the right of the middle of the

traveled part of it, so far as they can pass each other without interference. When it is not safe, or is difficult on account of weight of load to do so, a person about to be met or overtaken, if requested, is to stop a reasonable time, at a convenient place, to enable the other to pass.

3. When a person with a team is stationary, or traveling slowly on a way at a place unsafe or inconvenient for passing him with a team, he is, if requested, to drive to the right or left, or to stop a reasonable time at a convenient place, to allow the other to pass.

4. No person is to leave his team stationary on a way so as to obstruct the free passage of other teams; or is to allow his team to be on a way without a driver.

5. Three or more bells are to be fastened to one of the horses drawing vehicles on snow without wheels.

6. Any person injured by a violation of any provision of the previous sections, may recover damages in an action of tort, commenced within one year. Any person found guilty of such a violation forfeits not less than one nor more than twenty dollars, to be recovered on complaint made to the police court of this District within sixty days.

7. No team or horse is permitted to travel faster than a walk on a public or private bridge composing part of a way, if a board, with the words "three dollars fine for riding or driving on this bridge faster than a walk," legibly painted in black letters on a white ground, is kept exposed in some conspicuous place at each end thereof.

8. For a willful violation of the provisions of the preceding section, a person forfeits three dollars, to be recovered on complaint made as aforesaid, to the use of the owner of the bridge, or of the District of Columbia, with the costs of prosecution; but no person passing after sunset or before sunrise is liable to such forfeiture without proof that he previously had knowledge of such publication.

9. The driver of a team having a passenger therein conveyed for hire, who leaves it without any person in charge of it, and without fastening it securely, may be punished by fine not exceeding thirty dollars or by imprisonment not exceeding one month in the public jail, on complaint made as aforesaid.

CHAPTER VI.—ESTRAYS AND VESSELS ADRIFT.

1. If any horse, mule, cow, ox, bull, sheep, dog, hog, or other domestic beast of the value of two dollars, the owner of which is not known, shall be found trespassing on the inclosures of any one, it shall be deemed an estray, and may be taken up as such, and dealt with as provided in the next section.

2. Any person taking up an estray trespassing upon his inclosures shall cause the description thereof, taken by a justice of the peace of the neighborhood, to be published once a week for three successive weeks in such newspaper of this District as the justice taking such description shall direct; and the said justice is hereby required to direct publication, as aforesaid, to be made in such newspaper as in his opinion has the most extensive circulation in the District where such estray shall be taken up.

3. In addition to the publication required by the preceding section, any person taking up an estray shall set up notices containing the description of such estray at the court-house door of the District, and at three of the most public places in the neighborhood where the estray was found.

4. If the owner of an estray demands it, and shall prove by one credible witness, examined before a justice of the peace of the District, his title thereto, the same shall be delivered to him on his paying the expenses incurred by the person taking up such estray and keeping the same, including the costs of advertising.

5. If no person claims an estray within three months after the same shall have been advertised as aforesaid, then the person taking up the same shall apply to a justice of the peace of the District, who shall, upon being satisfied that the notices hereinbefore directed have been given, order him to sell the same at public sale on ten days' notice, to be set up at three of the most public places of the neighborhood, and, after deducting from the proceeds of sale all expenses incident to taking up, keeping, advertising, and selling such estray, the residue shall be retained by the person selling the same, unless the owner of such estray shall, within twelve months from the time of sale, claim such residue, and prove before some justice of the peace that he is entitled thereto.

6. If any person shall take up an estray of the value of ten dollars, and shall fail to comply with the provisions of the preceding sections, he shall forfeit and pay ten dollars, and also forfeit his interest in such estray to any one who will sue for the same.

7. Any person aggrieved by the trespass upon his inclosures of any cattle, horses, mules, goats, hogs, or sheep in the possession or care of any person without this District may impound the same, and have the damages sustained by the trespass valued on oath by two disinterested citizens of the District; and unless the damages and a reasonable compensation for feeding the property impounded are paid or tendered to him, may, at the expiration of ten days, (exclusive of the day he impounds the same, and the day of sale,) proceed to make sale thereof, at public auction, to the highest bidder for cash, and after deducting from the proceeds of such sale the amount of damages valued to him, and a reasonable compensation for keeping the said property while impounded, he shall pay over the residue when demanded, to the owner of the said property or his agent.

8. The person impounding, before making such sale, shall advertise not less than eight days before the sale, at three of the most public places of his neighborhood, a description of the property impounded, and the time and place of sale, and shall therein warn the owner to come forward and pay the damages and compensation for keeping the same, and take his property.

9. When any person shall discover, take up, and secure any flat-boat or other vessel, or any other water-craft, or net or seine driven from any place of mooring, landing, harbor, or river, or from any other vessel, he shall, within ten days thereafter, give notice thereof to some justice of the peace for the county where such flat-boat or other vessel, or craft, net, or seine is taken up and secured, and the justice shall deliver to the party giving such notice an advertisement, describing in the best manner the build and marks of such flat-boat or vessel, or craft, net, or seine, and the name of such person and place of his abode, copies of which advertisement the said party shall, within ten days after the date thereof, cause to be set up in the most public places of the District, and, within thirty days after such date, procure the same to be inserted in some daily newspaper published in said District.

10. Upon proof of property by the oath of the owner of such flat-boat or other vessel, craft, net, or seine, or otherwise before a justice of the peace, and upon payment of reasonable costs and charges for the same,

the person so taking up and securing the same, shall deliver the said flat-boat or other vessel to the owner thereof.

11. If any person shall take and secure any flat-boat or other vessel, craft, net, or seine driven from any place of mooring, landing, or harbor, or from any other vessel, and shall fail to comply with the provisions of the two preceding sections, he shall forfeit to the owner thereof the sum of ten dollars, to be recovered as small debts before a justice of the peace of the District.

12. If such estray die, or any such property be lost to said person taking it up, without his fault, he shall not be liable for the same, or its valuation.

13. The taker up of any such property shall not acquire any right thereto, and shall not receive any damages or charges for keeping the same, unless publication be made as is required by the provisions of this chapter.

CHAPTER VII.—OF FERRIES.

1. The governor of the District of Columbia shall have power to license any suitable person to keep a public ferry at any place within this District where a public ferry is now kept, and at such other places as said governor shall think proper. Such license shall be valid only for one year.

2. Before any such license shall be granted, the person applying for the same shall give bond to the United States in the sum of five hundred dollars, with sureties to be approved by the governor, with condition that he will faithfully and diligently keep the said ferry, with such boats and hands as the said court shall direct, from daylight in the morning until nine o'clock at night; and that he will not charge or receive any greater price for ferriage than is allowed by law. For the license, bond, and a copy of the rates of ferriage, the party applying shall pay one dollar.

3. If any person shall, without having obtained such license and entered into such bond, keep a public ferry, or shall, for hire or reward, within the time named in the preceding section, transport any person across any river in the District, at or near the place where there shall be any toll-bridge or public ferry, such person, for each offense, shall forfeit and pay a fine of twenty dollars.

4. No new ferry shall be established, unless at least three weeks' public notice of the intended application therefor shall be given by advertisement, inserted at least six times in some newspaper published in Washington City, so that all persons interested may have an opportunity to show cause why such new ferry shall not be established.

5. The governor shall have power from time to time to regulate and establish the price of ferriage at each ferry, and to direct how many and what kinds of boats shall be kept, and what number of fit and proper hands shall be employed in the boats. Such directions shall be expressed in the license.

6. Every person keeping a public ferry shall constantly keep set up in a public place at or near his ferry a copy of his license, and of the prices allowed him for ferriage, under a penalty of ten dollars for every day such copy of his license or of his prices aforesaid shall not be kept set up as is herein required.

7. If any licensed ferry-keeper shall ask or receive more than the price allowed as aforesaid, he shall forfeit and pay a fine of twenty dollars for every such offense.

8. If any person shall wantonly and maliciously cut, injure, or destroy any boat, rope, oar, or other tackling or thing used at a public ferry, he shall be liable to a penalty of twenty dollars for every offense; but the keeper of every ferry shall so arrange his rope as not to impede or delay any vessel navigating the river.

9. No ferryman shall delay ferrying any one and their property across the ferry under his charge, and for every hour he shall delay any one without lawful excuse, he shall pay a penalty of two dollars for each hour he shall so delay them.

10. If any ferry-keeper shall die, or remove from this District, or shall cease to keep his ferry before the expiration of the year for which his license has been granted, the governor may grant a license to another suitable person for the residue of the year, upon such person giving the bond required by the second section of this chapter.

11. Whenever the governor shall judge it necessary to establish a ferry, and no person shall apply to keep the same for the profits thereof, he shall provide one or more suitable persons to keep and attend the same, at such place, and at such times of the year, and under such conditions as shall be named by him, and the expense of maintaining such ferry, beyond the amount received for ferriage, shall be paid by said District.

12. If any ferry shall be discontinued or disused, and generally unfrequented for the space of one year, it shall be no longer deemed a public ferry.

13. The penalty incurred for a violation of any of the provisions of this chapter shall be recovered on complaint made to a justice of the peace of this District, within sixty days.

CHAPTER VIII.—OF FISHERIES.

1. The fishing season for shad and herring in the waters of the Potomac River and its tributaries within this District, shall begin the first day of March and end the first day of June in each year.

2. If any person shall haul, drift, anchor, or stake in the Potomac River, or any of its tributaries in this District, any gill-nets or seine of any description, (except those commonly called market-seines for summer and winter fish, and sturgeon-nets with eight inches mesh,) at any time not within the period fixed by the preceding section, he shall forfeit all the boats, seines, and fixtures then in his possession, and be fined for each offense not less than fifty nor more than one hundred dollars.

3. No person shall haul, drift, or fish any seine or gill-net within the water-bounds or berths of any regularly hauled fishing-landing, nor opposite to any part of the shore of the owner or occupiers of any fishery, between the first day of March and the first day of June in each year, without the permission of the owner or occupiers of such fishing-landing; and any person so offending shall be subject to the forfeiture and fine prescribed by the next preceding section.

4. The owner or occupiers of the regularly hauled fishing-landings are authorized to render the marshal, or other officer, assistance necessary to arrest any person violating any of the provisions of the two preceding sections; and the said officer shall seize all boats, seines, and fixtures in possession of such person, and carry the person so arrested before the supreme court of this District to be dealt with as herein directed; and the said officer may summon the posse comitatus to aid him in mak-

ing arrest or seizure authorized by this chapter, and may for that purpose also press, at the expense of the District, any steamboat or other vessel belonging to any citizen of this District, not actually engaged in carrying the United States mail.

5. No person shall fish in the Potomac River or its tributaries during the months of March, April, and May, with gill-nets or seines of any kind, other than such nets or seines as may be laid out from and hauled to and landed upon the shores of the said river and its tributaries; and every person so offending shall, upon conviction thereof, forfeit and pay a sum not less than fifty nor more than five hundred dollars, which sum shall go to the District: *Provided*, That nothing in this section shall be construed to prevent bona-fide citizens of the District bordering on the aforesaid waters from fishing the shores they own or occupy as they have hitherto been in the habit of doing.

6. If any person shall during the months mentioned in the preceding section place any boat, vessel, or other obstruction or hinderance in the way of laying out or hauling any seine used in any lawful fishery on said river or its tributaries, or otherwise obstruct or hinder such laying out or hauling, and he or his agents shall fail or refuse forthwith to remove such obstruction or hinderance on being required to do so by the person so obstructed or hindered, he shall pay a fine not less than twenty nor more than one hundred dollars.

7. If any person shall willfully and maliciously place any obstruction or hinderance in the way of laying out or hauling in any seine in any lawful fishery upon the Potomac River or its tributaries, or in any other manner or way prevent a bona-fide owner of a shore, or his agent or tenant, from using or fishing such shore, he shall on conviction forfeit and pay not less than fifty dollars nor more than five hundred dollars, or be imprisoned for not less than one month nor more than one year; this and the preceding section not to apply to any obstruction or hinderance by unavoidable accident or stress of weather.

8. Any owner or occupier of a fishery on the Potomac may cause and permit all vessels employed by him in carrying on his business to be anchored or moored opposite his shore, but not so as to interfere with the rights of the owners or occupiers of adjoining shores in laying out their seines.

9. All fines and penalties imposed by the preceding sections of this chapter may be recovered by action, in the name of the District, in the supreme court aforesaid.

10. If the name of the offender be unknown, he may be arrested on a warrant describing him as the person committing the offense, without stating his name in the warrant.

11. All forfeitures of property incurred under this chapter may be enforced in this way: the marshal or other officer shall, on complaint made to him, seize the property alleged to be so forfeited, and give notice to the owner thereof, if the owner can be found, to appear before said court on a certain day within five days from the time of seizure, to show cause why the property so seized should not be condemned; and if the owner of the property so seized evades the service of said notice, then the marshal or other officer may set up notices at three of the most public places in the neighborhood of the seizure, warning the owner of such property to appear before said court, on a certain day not less than ten days from the time of seizure, to show cause why the said property should not be condemned.

12. If, upon the hearing in any case of seizure as aforesaid, the court is satisfied that the owner or person having charge of the property so

seized is guilty of violating any of the provisions of this chapter which impose a forfeiture of such property for such violation, then such court shall adjudge the same to be condemned and sold by the marshal or other officer seizing the same, (or if he be dead or removed away, by some other officer,) on ten days' public notice; and the court may proceed ex parte to hear and determine any question of forfeiture, if the owner fails to appear after the notice herein required to be given.

13. If the marshal or other officer making a seizure of property under this article does not know the name of the owner or person having charge thereof, he may describe him in the notice he is required to give as the owner of the property, without naming him, and the court, if it does not know the name of the owner, may condemn the property as the property of a person guilty of violating the law, without naming such person.

14. The proceeds of the sale of any property forfeited as aforesaid shall, after paying the expenses of the seizure, condemnation, and sale, go to the District.

15. All fines imposed under this chapter shall go to the District of Columbia.

CHAPTER IX.—MILLS AND MILL-DAMS.

1. When any person owning lands on one side of and adjoining any water-course, the bed whereof, in whole or in part, belongs to him, desires to build a mill, or other machine useful to the public, on such land, and to erect a dam across or in such water-course, for working said mill, or other machine, if he shall not own the land on the opposite side against which he would abut his dam, he may make application to the supreme court of this District, having given ten days' notice to the proprietor thereof, if he be found in said District, or to his agent therein, if any he has, for a commission to three disinterested freeholders, to examine the land proposed for the abutment; to locate one acre thereof, and appraise the same at its true value; to examine the lands above and below, being the property of other persons than the applicant, which may probably be overflowed, and to say what damage the several proprietors will suffer, and whether the dwelling-house of any such proprietor, or the out-houses, yard, garden, or orchards belonging thereto, will be overflowed or taken; and to inquire whether, and in what degree, ordinary navigation and the passage of fish will be obstructed; whether, and by what means, such obstruction may be prevented; and whether, in their opinion, the health of the neighborhood will be injured by the stagnation of the waters, or otherwise.

2. Such commission shall be issued and executed accordingly, the commissioners having first each taken an oath to execute and return the same, with a true report of their proceedings thereon, to the said court, and having given reasonable notice to all parties interested of the time when they would proceed to execute the same.

3. Upon the return of such commission, the court shall direct all parties interested to be summoned to show cause, if any they should have, why the party applying therefor should not have leave to build the said mill, or machine, and dam, and to have condemnation of said acre of land.

4. In like manner, if the person proposing to build such mill, or machine, and dam, shall own the land on both sides of such water-course, application shall be made to the said court for a like commission, except

as to the location and appraisement of the acre of land for an abutment; which commission shall be issued, executed, returned, and proceeded upon as aforesaid.

5. If, upon the report of the commissioners, or by other evidence, it should appear to the court that the dwelling-house of any person other than the applicant, or the out-houses, or lands thereto belonging, will be overflowed or taken, or that the health of the neighbors will be injured, the said court shall not give leave to build said mill, or machine, and dam. But if it should not so appear, the said court shall then grant or refuse the leave as may seem to it proper. If it be granted, the said court shall lay the applicant under such terms and conditions as shall seem to it right.

6. The applicant to whom any such leave may be granted, shall, upon paying to the several parties entitled thereto the compensation so ascertained, become seized in fee-simple of the acre of land so located, and be authorized to proceed according to such leave.

7. No person shall, by means of any such leave, draw the water from any mill-pond of another, existing at the time of such leave, or do anything in conflict with any vested right in any water-works erected on such water-course.

8. If the applicant shall not begin his work within one year, and so far finish it within three years after such leave, as then to have his mill or machine in good condition for use, or if such mill or machine be at any time destroyed or rendered unfit for use, and the rebuilding or repair thereof shall not, within two years from the time of such destruction or unfitness, be commenced, and within four years from that time be so far finished as then to be in good condition for use, the title to the acre of land so located shall revert to the former owners, his heirs and assigns, and the leave so granted shall then be in force no longer; unless, at the time of such destruction or unfitness, the owner thereof be an infant, married woman, in prison, or an insane person, in which case he shall be allowed the same terms for beginning and putting in condition for use such mill or machine, after any such disability is removed; and if such mill or machine, at the time of such destruction or unfitness, be in the possession of a tenant for life or years, other than the applicant, the person next entitled in remainder or reversion shall be allowed the same terms for beginning and completing the said mill or machine, after the determination of the said tenancy.

9. The proceedings upon the said commission, however, shall not bar any prosecution or action which could have been maintained if this chapter had not been enacted, unless the prosecution or action be for an injury actually foreseen and estimated by said commissioners.

10. When any owner of a mill or machine hereto established, or hereafter to be established according to law, may think it necessary to raise his dam, the court shall, upon application, issue a commission to value the damage which may be done thereby, under the regulations hereinbefore directed.

11. At every mill which grinds grain, there shall be well and sufficiently ground all grain brought to the mill, for the consumption, when ground, of the person bringing or sending it, or his family, and in due turn as the same is brought, and there shall not be taken for the toll more than one-eighth part of any grain of corn, rye, buckwheat, or barley, of which the remaining part is ground into meal, flour, or malt, nor more than one-tenth part of any grain of wheat of which the remaining part is ground into flour.

12. If at any mill there be a violation of the preceding section, in any

respect, the proprietor thereof shall, for every such violation, forfeit to the party injured five dollars: *Provided, however*, That the proprietor shall not be obliged to run more than one pair of stones to grind grain brought to his mill for the consumption of the persons bringing or sending it, or their families, and that the proprietor may grind grain for the consumption of his family in preference to that of others.

13. Whenever a public road shall be injured by the building of any mill, or dam, or machine, or by the making of any mill-race, or by turning or changing the course of any stream of water, it shall be the duty of the owner of such mill, dam, or machine, or race, or of the person so turning or changing the course of the stream, his heirs and assigns, to repair such road so injured, and to keep the same in good repair at his or their expense. If any person shall offend against any provision of this section, he shall forfeit twenty dollars.

14. If any person shall mix, or cause to be mixed, any corn-meal or other flour or substance whatever with wheat-flour, for the purpose of selling or otherwise disposing of the same as wheat-flour, or shall send the same out of the District for the purpose or with the intent of selling or otherwise disposing of it, he, on conviction thereof, shall forfeit and pay, for each and every such offense, a sum not less than two hundred dollars, nor more than one thousand dollars, to be recovered as provided for in ———. And in case such offender shall be unable to pay the same, he shall suffer not less than three nor more than twelve months' imprisonment in the District jail, in the discretion of the court.

15. It shall be the duty of the judge of the police court before whom any information may be lodged, and proof made, of any violation of the preceding section, to issue his warrant to any police officer of the District in which the same shall be committed, commanding him to bring such offender before him, who shall recognize him in the sum of two thousand dollars, with good and sufficient security; or in case of neglect or refusal, then to commit such offender to prison, to take his trial at the next court having competent jurisdiction.

PART III.

OF COURTS AND JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES.

TITLE I.—OF COURTS AND JUDICIAL OFFICERS.

CHAPTER I. Supreme court of the District of Columbia.
II. Clerk
III. Marshal.
IV. Coroner.
V. Attorneys-at-law.
VI. Reporter.
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VIII. Jurors.
IX. Auditor.
X. Examiners in equity.
XI. United States Commissioners.
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CHAPTER I.—SUPREME COURT OF THE DISTRICT OF COLUMBIA.

1. Jurisdiction and organization. General and special terms; circuit court.
2. Clerk.
3. Jurisdiction—district court—criminal court—equity court.
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5. Probate jurisdiction.
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10. Designation of justices to hold courts.
11. All terms and courts declared to be terms of supreme court—proviso.
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14. Frivolous appeals.
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16. Trials by jury to be held at circuit court—issues at law—notice of trial—note of issue—calendar.
17. Exceptions—motions for new trial upon exceptions, insufficient evidence, or excessive damages.
18. Cases to be heard in the first instance at regular term.
19. Teste.
20. Failure of court to be held at stated term.
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22. Business at chambers.
23. Proceedings commenced before one justice may be continued before another.
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26. Appeals from justices of the peace—proviso.
27. Court to establish rules of practice and forms for justices of the peace.
28. Justices of peace removable by court.
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31. Notice in case of.
32. To be heard in a summary way.
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34. Oaths of office to be administered by justices.
35. Change of names—notice thereof by publication—to be heard in equity court.
36. Government of jail as to labor of prisoners.
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40. Contempts.
41. Inspection of records to be free.
42. Courts to remain until changed by Congress.
43. Appeals to Supreme Court of United States.
44. Appeals to be allowed by order of justice.
45. When to operate as supersedeas.

1. The supreme court of the District of Columbia shall have general jurisdiction in law and equity. It shall consist of five justices, one of whom shall be denominated as chief justice. These justices shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices during good behavior. Each justice, before he enters upon the duties of his office, shall take the oath prescribed to be taken by judges of the courts of the United States. Any three of said justices may hold a general term, and any one of them may hold a special term, for the trial of cases at law, or a circuit court, as hereinafter provided. A special term may be held at the same time with a circuit court, and by the same justice.

2. The said court shall have power to appoint a clerk, who shall take the oath, and give a bond, with sureties, in the manner prescribed by law for clerks of district courts of the United States, removable at the pleasure of the said court in general term.

3. The supreme court of this District shall possess the same powers and exercise the same jurisdiction as was possessed and exercised by the circuit court of the District of Columbia, and the justices of the said court shall severally possess the powers and exercise the jurisdiction possessed and exercised by the judges of said circuit court. Any one of said justices may hold a district court of the United States for the District of Columbia in the same manner and with the same powers and jurisdiction possessed and exercised by other district courts of the United States. Any one of said justices may also hold a criminal court for the trial of all crimes and offenses arising within said District, which court shall possess the same powers and exercise the same jurisdiction possessed and exercised by the late criminal court of the District of Columbia. And any one of said justices may also hold a special term of said court for the trial of equity causes.

4. The said court shall have cognizance of all crimes and offenses committed within said District, not otherwise provided for, and of all cases in law and equity between parties, both or either of which shall be resident, or be found within said District; and also of all actions or suits of a civil nature, at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising, or accruing under the laws of the United States; and the said court and the justices thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States.

5. All the powers and jurisdiction by law held and exercised by the late orphans' court of Washington County, in the District of Columbia, shall be held and exercised by any justice holding a special term of the said supreme court for that purpose, subject always to the same provisions as are contained in the thirteenth section of this chapter; and all laws and parts of laws relating to said orphans' court, so far as the same are applicable to said supreme court, are hereby continued in force in respect to said supreme court; and all other laws and parts of laws relating to said orphans' court are hereby repealed.

6. The said court shall have jurisdiction of all applications for divorces, to be made by petition, upon which the same proceedings shall be had as are had in other cases, except so far as is otherwise hereinafter provided.

7. The said supreme court shall have general superintendence of all justices of the peace and inferior jurisdictions, not otherwise provided for; to correct and prevent errors and abuses by them where no other remedy is expressly provided; and may issue writs of certiorari, man-

damus, prohibition, quo warranto, and all other writs and processes to justices of the peace, constables, corporations, and individuals, necessary to the furtherance of justice and the regular execution of the laws, in cases waranted by the principles and usages of law.

8. The said court shall have power to proceed by publication where personal service of process upon any defendant cannot be had, in suits for partition, divorce, by attachment, for the foreclosure of mortgages and deeds of trust, and for the enforcement of mechanics' liens, and all other liens against real or personal property, and in all actions at law or in equity, which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand, to or against any real or personal property within the jurisdiction of the court.

9. The said supreme court in general term shall have power, by rule of court, to regulate the periods of holding the terms of the several general and special terms—circuit, district, and criminal courts of the said supreme court—and to fix the number of such terms, and the same from time to time to alter, as public convenience may require: *Provided*, That at least three terms shall be held annually of each of said courts.

10. The chief justice shall, until otherwise ordered by the court, at the first meeting of the general term in the year, designate which of the justices shall hold the several courts and terms during the current year. There shall also be a justice named, in manner aforesaid, as a substitute, who shall hold the court only in the event the justice originally assigned shall request in writing, or be unable to hold the same. In the event that both the justice named, and the substitute, be unable to hold the designated court, any one of the other justices may hold the same.

11. The several general terms, special terms, circuit courts, district courts, and criminal courts, which have been or may be held, shall be and are declared to be, severally, terms of the supreme court of the District of Columbia; and the judgments, decrees, sentences, orders, proceedings, and acts of said general terms, special terms, circuit courts, district courts, and criminal courts, heretofore or hereafter rendered, made, or had, shall be deemed judgments, decrees, sentences, orders, proceedings, and acts of said supreme court: *Provided*, That nothing herein contained shall affect the right of appeal as provided by law.

12. Whenever, at a session of the court in general term held by four of the justices, the court shall be equally divided in opinion upon the question involved in any cause argued or submitted to the court, such division of opinion shall be noted upon the minutes of the court; and thereupon, and within four days thereafter, either party in such cause may file with the clerk of the court a motion in writing to have such cause re-argued before the five justices, and such re-argument or rehearing shall be had as soon thereafter as conveniently may be.

13. Special terms of said supreme court shall be held by one of said justices at such time or times as the said court in general term shall appoint. Non-enumerated motions, in all suits and proceedings at law and in equity, shall first be heard and determined at such special terms. Suits in equity, not triable by jury, shall also be heard and determined at such special terms. But the justice holding such special term may, in his discretion, order any such motion or suit to be heard in the first instance at a general term. Any party aggrieved by any order, judgment, or decree, made or pronounced at any such special terms—circuit, district, or criminal courts—may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term of said su-

preme court, and upon such appeal the general term shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just.

14. If, upon the hearing of a case brought before the court in general term upon appeal or exceptions, it appears that the appeal or exceptions are frivolous, immaterial, or intended for delay, the court may award against the party taking the appeal or exceptions single or double costs, and also interest from the time of the appeal or exceptions, at a rate not exceeding ten per centum a year on any sum found due for debt or damages.

15. The said court, in general term, shall adopt such rules as it may think proper to regulate the time and manner of taking appeals from the special terms and courts to the general term, and may prescribe the terms and conditions upon which such appeals may be made. Such court may also establish such other rules as it may deem necessary for regulation of the practice of the said several courts, and from time to time revise and alter such rules. It may also determine by rule what motions shall be heard at a special term, as non-enumerated motions, and what motions shall be heard at a general term in the first instance.

16. All issues of fact triable by a jury or by the court shall be tried before a single justice; when the trial is by jury, at a circuit court; and when the trial is without a jury, at a circuit court or special term. Issues of law may be tried at a circuit court or special term. At any time after issue, and at least ten days before the sitting of the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least four days before the sitting of the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served; and the clerk shall thereupon enter the cause upon a calendar, according to the date of the issue.

17. If, upon the trial of a cause, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice, and afterward settled in such manner as may be provided by the rules of the court, and then stated in writing in a case or bill of exceptions, with so much of the evidence as may be material to the questions to be raised, but such case or bill of exceptions need not be sealed or signed. The justice who tries the cause may, in his discretion, entertain a motion, to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions, or for insufficient evidence, or for excessive damages: *Provided*, That such motion be made at the same term or circuit at which the trial was had. When such motion is made and heard upon the minutes, an appeal to the general term may be taken from the decision, in which case a bill of exceptions or case shall be settled in the usual manner.

18. A motion for a new trial on a case or bill of exceptions, and an application for judgment on a special verdict or a verdict taken subject to the opinion of the court, shall be heard in the first instance at a general term.

19. Writs and process issued out of the said court may be tested in the name of any justice of said court.

20. No action, cause, process, or proceeding pending in the said court shall be discontinued by reason of such court not having been held at any stated term or any adjournment thereof, but they shall respectively be returned to, entered, and have day in the term which shall be held after such failure.

21. Where, at any term of the circuit or criminal court of the su-

preme court of the District of Columbia, a jury shall be impaneled to try any cause, or any issue or issues joined in any cause, and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, the court shall and may, nevertheless, proceed with the trial by the same jury in every respect as if such term had not commenced; and all subsequent proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been impaneled, any law or usage to the contrary notwithstanding.

22. The justices of said court shall, at all reasonable times, when not engaged in holding court, transact such business at their chambers as may be done out of court at chambers; they may hear and dispose of all applications for orders and writs which are usually granted in the first instance upon an ex-parte application, and may, in their discretion, also hear applications to discharge such orders and writs.

23. Every proceeding commenced before one of the justices, may be continued before another, with the same effect as if commenced before him, in the event of the first justice being unable to proceed, in consequence of sickness or other disability.

24. Motions or applications for special remedial writs, such as writs in the nature of quo warranto, mandamus, certiorari, supersedeas, &c., shall be heard before one of the justices, at chambers, or in special term; but not until a petition, verified by affidavit, and stating the grounds of the application, has been filed and docketed. But the justice to whom the application is made may order it to be heard in the general term in the first instance. Motions to quash, set aside, or dissolve any of said writs, may be heard in the same manner.

25. The supreme court of the District of Columbia shall not hold original jurisdiction of any debt or damage in cases within the jurisdiction given to justices of the peace.

26. In all cases where the matter in dispute shall exceed the sum of five dollars, and either plaintiff or defendant shall think him or herself aggrieved by the judgment of any justice of the peace, he or she shall be at liberty to appeal to the next special term of said court, which is hereby empowered and directed, in a summary way, to hear the allegations and proofs of both parties, and determine upon the same according to law and the equity and right of the matter, at the same term to which the said appeal shall be prayed, without further continuance or delay, unless it shall appear to the said court that further time ought to be given to the party applying for the same; and either of the said parties may demand a trial by jury, or leave the cause to be determined by the court, at their election; and in any case of appeal from the decision of a justice of the peace, the circuit court, where one summons against the appellee shall be returned, not to be found, and the said appellee shall not appear, the court may proceed to hear and determine such case in the same manner as if the appellee had regularly appeared: *Provided*, That no appeal from the judgment of any justice of the peace to the said court shall be dismissed because the same had not been prayed to the special term next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of said special term. Such appeals shall be heard and decided at a special term for the trial of cases at law.

27. The supreme court of said District shall make and establish rules of practice, and prepare and publish forms of pleadings for bringing all

forms of actions, and the trial thereof before said justices of the peace, and shall fix and determine a bill of fees and costs to be taxed and charged by the said justices, and by the constables of said District of Columbia, in all civil suits in said District.

28. Justices of the peace may be removed by the court to be organized under the provisions of this act, at a general term, after due notice and an opportunity to be heard in their defense, and for causes to be assigned in the order of removal.

29. Any party deeming himself aggrieved by the judgment of the police court of the District of Columbia may appeal to the criminal court, held by a justice of the supreme court of the District of Columbia; and in such case the appeal shall be tried on the information filed in the court below, certified to said criminal court, by a jury in attendance thereat, as though the case had originated therein.

30. Every applicant for a patent or the re-issue of a patent, any of the claims to which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences, in such case, to the board of examiners-in-chief, having once paid the fee for such appeal provided by law. If such party is dissatisfied with the decision of the examiners-in-chief, he may, on payment of the duty required by law, appeal to the Commissioner in person. If such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the supreme court of the District of Columbia, sitting in banc.

31. When an appeal is taken to the supreme court of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent-Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing.

32. It shall be the duty of said court, on petition, to hear and determine such appeal, and to revise the decision appealed from in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as the court may appoint, notifying the Commissioner of the time and place of hearing; and the revision shall be confined to the points set forth in the reasons of appeal. And after hearing the case the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent-Office, and govern the further proceedings in the case. But no opinion or decision of the court, in any such case, shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

33. On receiving notice of the time and place of hearing such appeal, the Commissioner shall notify all parties who appear to be interested therein in such manner as the court may prescribe. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish it, with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the machine or other thing for which a patent is demanded.

34. All official oaths required by law to be taken by officers of the United States may, in the District of Columbia, be administered and certified by any one of the justices of the supreme court of the District of Columbia.

35. Any person, being a resident of the District of Columbia, being desirous to have his or her name changed, may file petition in the

supreme court of the said District of Columbia, setting forth therein the reasons therefor, and also the name desired to be assumed; notice of the filing of such petition, containing the substance and prayer thereof, shall be published twice a week, for three consecutive weeks, in some newspaper in general circulation published in said District, prior to the hearing of said petition. The said supreme court, or the justice holding the special term thereof for equity causes, on proof of such notice, and upon such showing as may be deemed satisfactory, may change the name of such applicant according to the prayer of such petition.

36. All persons sentenced to imprisonment in the jail of said District may be employed at such labor, and under such regulations, as may be prescribed by the supreme court of said District, and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

37. It shall be the duty of the supreme court of said District to make such rules for the government and discipline of the prisoners confined in said jail as shall be deemed necessary for the health, security, and the protection of said prisoners from cruel treatment by any person in charge thereof.

38. The supreme court of the District of Columbia in general term shall have authority to appoint a suitable person to act as warden of the jail of said District, and to remove said officer whenever in the opinion of said court the public interests may require it, and to fill all vacancies which may occur.

39. The court, in general term, may appoint such criers as may be necessary, removable at the pleasure of said court.

40. The supreme court of the District of Columbia, and the several courts and terms authorized to be held by this chapter, shall have power to punish, by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing. But this power to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

41. The records and papers of each of said courts shall be open without fee to the inspection of every person.

42. The judicial courts of said District shall remain as now organized until abolished or changed by act of Congress; but the legislative assembly shall have power to pass laws modifying the practice thereof, and conferring such additional jurisdiction as may be necessary to the due execution and enforcement of the laws of said District.

43. Any final judgment, order, or decree of said court, wherein the matter in dispute shall be of the value of one thousand dollars or upward, exclusive of costs, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same cases and in like manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit court of the United States.

44. When any person or persons, body politic or corporate, shall think him, her, or themselves, aggrieved by any final judgment, order, or decree, of the said supreme court, where the matter in dispute, exclusive

of costs, shall be of the value of one hundred dollars, and of less value than one thousand dollars, and shall have prayed an appeal, or shall desire to sue out a writ of error to the Supreme Court of the United States, such person or persons, body politic or corporate, may exhibit a petition in writing, accompanied by a copy of the proceedings complained of, and an assignment of the errors relied on, to any judge of the said Supreme Court, who, if he should be of opinion that such errors, or any of them, involve questions of law of such extensive interest and operation as to render the final decision of them by the said Supreme Court desirable, may thereupon, at his discretion, and upon the terms and conditions prescribed by law, by his order, to be directed to the clerk of the said supreme court of the District of Columbia, direct such appeal to be allowed, or writ of error to be issued; which shall be done accordingly.

45. When any appeal or writ of error shall have been directed in the manner prescribed by the last preceding section, and the order of the judge of the Supreme Court aforesaid thereon shall have been filed in the office of the clerk of the said supreme court of the District of Columbia, within thirty days after the end of the term at which the judgment, order, or decree, to be affected by such writ of error or appeal, shall have been rendered or made, such writ of error or appeal shall operate as a supersedeas of all proceedings under such judgment, order, or decree.

CHAPTER II.—CLERK OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

1. Oath—bond.
2. Assistant clerk.
3. Bond of assistant.
4. Assistants to perform duty of clerk.
5. Duties of clerk.
6. To attend the courts.
7. To prepare calendar.
8. Minutes of court—filing of papers—making dockets.
9. General docket.
10. Rule-book.
11. Judgment-book.
12. Indexes.
13. Court to inspect clerk's office.
14. No paper to be withdrawn without leave in writing.
15. Registry of court.
16. Liability on bond.
17. Malfeasance in office.
18. Malfeasance in office.
19. Clerk's fees, how to be adjusted.
20. Power to administer oaths.
21. To draw out particulars of fees.

1. Every clerk of the supreme court of the District of Columbia, before he enters upon the execution of his office, shall take the following oath or affirmation, to wit:

I, A. B., being appointed clerk of the supreme court of the District of Columbia, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding: so help me God.

Which words, "so help me God," shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerk shall also give bond, with sufficient sureties, (to be approved by the said court,) to the United States, in the sum of ten thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk.

2. Such clerk may appoint one or more assistants; the appointment shall be in writing, and signed by such clerk, and recorded among the minutes of the general term of said court. He may revoke the appointment of any assistant at will, by writing, recorded among the said min-

utes. Each assistant, before entering upon his duties, shall take the oath of office provided for clerk.

3. Such clerk may take from each of his assistants a bond, with sureties, for the faithful performance of his duties; but the clerk and the sureties on his official bond shall be liable for all the official acts of each assistant.

4. Any of the duties of the clerk of the supreme court of the District of Columbia may be performed, in his name, by any of the assistant clerks in his office; and said assistants may sign the name of the clerk to any process, certificate, or other official act required by law or by the practice of the court to be performed by said clerk, and may authenticate said signature by affixing the seal of the court thereto, whereon the impress of the seal is necessary to its authentication. In such cases the signature shall be, "——— ———, Clerk, by ——— ———, Assistant Clerk."

5. The said clerk shall have power to perform all the duties imposed upon the clerks of the district and circuit courts of the United States, unless otherwise specially directed.

6. The clerk shall, either in person or by assistant, attend the sittings of each of the courts and terms of the said supreme court. He shall keep his office in the building provided for that purpose, and shall take charge of, and safely keep, or dispose of, according to law, all books, papers, and records, which may be filed or deposited in his office.

7. The clerk shall, previous to the meeting of each court, prepare a calendar of such causes as may be noted for trial or hearing at the same.

8. The clerk shall enter the proceedings of each of said courts and terms in a book, to be provided for that purpose, for each of said courts. The proceedings of each day shall be drawn up at large. Said clerk shall indorse, under his hand, on all writings required to be filed in his office, the time of filing thereof; shall issue all writs and processes required to be issued from said court; shall enter into the proper record-books, under direction of the court, all orders, judgments, and decrees proper to be entered; and shall keep such dockets and other books of record, each with its proper alphabetical index, as may be required by law or by the rules of the court. He shall make copies of all papers on file in said supreme court, and of the docket-record thereof, when desired, and certify the same under the seal thereof; and shall perform such other duties as are or may be by law required of him.

9. The clerk shall keep a docket-record of every cause or proceeding depending in said court, entering thereon the names of the parties in full, and the names of the counsel appearing in behalf of either party, with a brief description of the kind of action or proceeding. He shall record thereon accurate minutes of all steps or proceedings taken in the cause, all orders, directions, and judgments of the court in each case, and all writs and process issued, and whatever return may be made thereon.

10. A record-book shall be kept in the clerk's office, to be called the "rule-book," in which the clerk shall cause to be entered every interlocutory motion, rule, order, or step made or taken in a cause preparatory to its trial on the merits, except such as shall be made in special or general term, which are to be entered in the minutes of the court.

11. The clerk shall keep among the records of the court a book for the entry of judgments, exclusively, to be called "the judgment-book," wherein shall be entered each day the name of all parties to the cause or proceeding, and the amount, with interest and costs, for which judg-

ment was entered; and whenever the said judgment shall be either wholly or partially satisfied the same shall be so entered therein.

12. The clerk shall keep in every book of records an alphabetical list of the names of all the parties to any suit or proceeding therein recorded, with a reference to the case where it is recorded, and when there are several persons, either plaintiffs or defendants, the name of every person, with a like reference, shall be inserted in its appropriate place in the alphabetical list.

13. The justices of the supreme court shall inspect the condition of the clerk's office, from time to time, and see that the records are made up seasonably and kept in good order.

14. No records or other papers of the court shall be taken from the clerk's office, without express permission in writing, given by the court, or one of the justices.

15. All moneys paid into the registry of the court shall be deposited in some bank designated by the court, and shall be so deposited in the name of the court, and shall not be drawn out except by a check or checks, signed by a justice of the court and countersigned by the clerk, stating on whose account and for whose use it is drawn, and in what suit, and out of what fund in particular it is paid. The clerk shall keep a regular book, containing a memorandum and copy of all the checks so drawn, and the date thereof.

16. For any wrongful act, or any omission to perform any duty imposed on him by law, the clerk shall be liable on his bond to any person injured.

17. Any clerk or assistant clerk who shall willfully or corruptly do any act contrary to the duties of his office, as prescribed by law, or shall in like manner omit or refuse to perform any service or duty lawfully required of him, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding five hundred dollars, and imprisoned in the jail for the District of Columbia, and removed from office.

18. Any clerk or assistant clerk, who shall knowingly and willfully make a false entry, or shall knowingly and willfully fail to make an entry required by law to be made, or shall knowingly and willfully make out an imperfect or incorrect transcript of the proceedings had in court, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding five hundred dollars, and imprisoned in the said jail, and removed from office.

19. The clerk of the supreme court of the District of Columbia shall pay into the treasury of the District of Columbia all the earnings of his office, over and above the necessary expenses of the same and his own compensation. His accounts of said earnings and expenses shall be adjusted by the regular auditor of the court, or by a special auditor to be appointed by the court for the purpose, within thirty days after the first day of January and July, every year; and the auditor shall immediately report his adjustment to the court, with such exceptions thereto as the clerk shall, within four days after the adjustment reported, take and file with the auditor. The court shall pronounce such decree upon said report and exceptions as may seem to it equitable and just; and said decree shall be final, and be binding upon the District of Columbia and the clerk. If, upon such account, a balance be found due from the clerk to the District of Columbia, the court shall order payment by the clerk into the treasury, and enforce its order by execution, process of contempt, or otherwise; and, if the clerk refuse to pay the money, shall remove him from office. If a balance be found due from the District of

Columbia to the clerk, the same shall be paid, upon presenting to the treasurer a copy of the decree, duly certified. The clerk shall furnish the comptroller of the District a copy of the decree immediately after it is pronounced. All other modes of accounting for the earnings of said office are hereby repealed.

20. Such clerk shall have power to administer all oaths.

21. The said clerk and assistant clerks of said court shall hereafter draw out the particulars of their fees in a fair, legible hand, and in words at full length, and such clerk shall lose all such fees as he shall fail so to express.

CHAPTER III.—MARSHAL.

1. Appointment of.
2. Bond—oath.
3. Deputies.
4. Deputies in case of death of marshal to continue, and execute process.
5. When removed to have power to execute process in hand.
6. To have power of sheriffs.
7. To attend the courts.
8. To execute process issued by United States.
9. To execute process of all courts unless otherwise provided.
10. Indorsement of receipt of process and return.
11. Service of process when marshal is interested.
12. Indemnity of marshal.
13. Marshal to pay over moneys collected—penalty for default.
14. Penalty for neglect to levy—penalty for default.
15. Deputy to account.
16. Proceedings in case of amercement.
17. To execute deeds of lands sold.
18. Proceedings where marshal dies before executing deed.
19. Not to be purchaser.
20. Directions to marshal to be in writing.
21. Coroners to have same powers.
22. Entitled to prepayment of fees.
23. Conservator of the peace.
24. To keep warrants of commitments and releases.
25. To deliver over prisoners to successors.
26. To execute criminal process of police court.
27. Bailiffs of police court to act as deputies.
28. Bond of marshal to be recorded.
29. Suits on bond.
30. To remain as security.
31. Remedy against deputies.
32. Limitation of suits on bond.
33. To indorse particulars of fees.
34. Bailiffs.

1. A marshal shall be appointed in and for the District of Columbia for the term of four years, but shall be removable from office at pleasure of the President of the United States.

2. The marshal, before he enters on the duties of his office, shall become bound for the faithful performance of the same, by himself and by his deputies, before any one of the justices of the supreme court of the District of Columbia, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such District, to be approved by the said justice, in the sum of twenty thousand dollars, and shall take before said justice, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office:

I, A. B., do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the District of Columbia under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the District of Columbia during my continuance in said office, and take only my lawful fees; so help me, God.

3. The marshal shall appoint, as there shall be occasion, one or more deputies, who shall be removable from office at the pleasure of the supreme court of the District of Columbia.

4. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute all precepts, in the name of the deceased, until another marshal

shall be appointed and sworn; and the defaults or misfeasances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given by the marshal who appointed him or them.

5. And every marshal or his deputy, when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands, respectively, at the time of such removal or expiration of office.

6. The marshal and his deputies shall perform the same duties and have the same powers in executing the laws of the United States and the District of Columbia as sheriffs and their deputies would have in executing the same.

7. The marshal shall, in person or by deputy, attend the sittings of the supreme court of the District of Columbia and its several courts and terms.

8. The marshal shall execute throughout the District all lawful precepts directed to him and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty.

9. He shall, unless otherwise specially provided for, execute all writs, warrants, and processes of any kind issued by any judicial authority within the District of Columbia, or which shall be directed to him by legal authority, or appertain to the duties of his office; and he shall do and perform all other acts and duties which may be required of him by law.

10. He shall indorse upon all writs or other process the time of their reception, and return them without delay to the proper court or officer, with his certificate indorsed thereon of the manner of their service or execution; or, if not served or executed, the reasons of his failure.

11. In all causes wherein the marshal or his deputy shall be a party the writs and precepts therein shall be directed to such disinterested person as the court, or any justice thereof, may appoint, and the person so appointed is hereby authorized to execute and return the same.

12. The marshal, in all cases when directed by a party to seize, attach, levy, or sell personal property on execution or other process, may require indemnity before executing the same.

13. When the marshal has collected any money on execution, he shall pay over the same at the earliest opportunity, unless enjoined. And if he shall neglect or refuse, on demand, to pay over the same, the party entitled may recover the same against him and his sureties, and fifteen per cent. per annum damages on the amount so retained.

14. If the marshal shall neglect or refuse to levy upon or sell any property, justly liable to execution, when the same might have been done, he shall be amerced to the value of such property, not to exceed the amount necessary to satisfy the execution. If the marshal shall neglect or refuse to return any execution as required by law, or shall make a false return thereon, he shall be amerced in such amount as he might and should have levied by virtue of the execution. In each of which cases the marshal shall, after payment by him, be substituted to every benefit and advantage of the party in whose favor he was amerced, to the extent of the said amercement.

15. If any deputy of the marshal shall neglect or refuse to render and settle his accounts with the marshal when so required, in accordance with the contract between the marshal and his deputy, such deputy

shall be amerced to the amount withheld by him, to be recovered with interest and fifteen per cent. per annum damages.

16. In all cases of amercement, the court before which the default is made may, in the name of the United States, for its use, or such person as may be interested, on motion of the United States attorney for the District of Columbia, or the attorney of the person interested, direct judgment to be entered against such marshal for which he shall be liable to be amerced, which judgment shall have the same effect as if rendered on verdict. The court, in imposing such amercement, shall be governed by such principles as, under all circumstances, shall appear to be reasonable.

17. When a marshal or other officer has sold any lands or tenements on execution or other process, he shall, on compliance with the terms of sale by the purchaser, execute a deed to the said purchaser of the interest or estate sold thereunder.

18. Whenever a marshal shall sell any lands, tenements, or hereditaments, by virtue of process from a court of the United States, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed for the same by him to the purchaser, in every such case the purchaser or plaintiff, at whose suit the sale was made, may apply to the court from which the process issued, and set forth the case, assigning the reason why the title was not perfected by the marshal who sold the same; and thereupon the court may order the marshal for the time being to perfect the title, and execute a deed to the purchaser, he paying the purchase-money and costs remaining unpaid; and where a marshal shall take in execution any lands, tenements, or hereditaments, and shall die, or be removed from office, or the term of his commission expire before sale, or other final disposition made of the same; in every such case the like process shall issue to the succeeding marshal, and the same proceedings shall be had as if such former marshal had not died or been removed, or the term of his commission had not expired.

19. No marshal or deputy shall become the purchaser, nor procure any person to become the purchaser for him, of any property, real or personal, by him exposed for sale, by virtue of any execution or other process; and all such purchases made by any marshal, deputy, or any other person in his behalf, shall be null and void.

20. No direction or authority by a party, or his attorney, to the marshal or his deputy, in respect to the execution of process or return thereof, or to an act or omission relating thereto, shall be available to charge or excuse the marshal with or from a liability for neglect or misconduct, unless it be contained in a writing signed by the party or his attorney.

21. All the provisions concerning the powers, duties, and liabilities of marshal shall, except where otherwise specially provided, be construed to include and apply to a coroner or an elisor, when authorized by law to discharge the duties of a marshal.

22. The marshal of the District of Columbia, in all civil cases, may demand and receive payment of his fees before serving any process therein, except in cases in which the United States may be a party, or of fieri facias, or where the court or any justice thereof may order suit to be instituted without prepayment of costs.

23. The marshal shall be a conservator of the peace within this District, and shall arrest, without process, all persons who, within his view, shall commit any crime or misdemeanor, and take them before the proper judicial authority. It shall be his duty to prevent, quell,

and suppress all affrays, breaches of the peace, riots, and insurrections that may come to his knowledge, and to pursue and arrest all felons.

24. All warrants, processes, and other official papers, or the attested copies of them, by which any prisoner shall have been committed or liberated, shall be regularly filed in the order of time and carefully preserved by the marshal, and shall be delivered over to his successor when qualified.

25. The marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire; and for that purpose may retain such prisoners in his custody until his successor be appointed and qualified, as the law directs.

26. In cases arising out of violations of any of the municipal ordinances of the District of Columbia, such process shall be directed to the chief of the Metropolitan Police of the District of Columbia, who shall execute the same, and make return thereof in like manner as in other cases; but in cases which were formerly cognizable in the criminal court, the process, when issued by the police court, shall be directed to the marshal of said District, except in cases of emergency, when it may be directed to said chief of the Metropolitan Police; and for his services the marshal shall receive the same fees prescribed for like service in said criminal court, to be paid as provided for in section fourteen of the act establishing the police court of this District.

27. The bailiffs of said police court may act as deputies for the marshal of said District of Columbia, for the service of process issued by said court.

28. The bond heretofore given, or which may hereafter be given, by the marshal of said District, for the faithful performance of the duties of his office, shall be filed and recorded in the office of the clerk of the supreme court of the District of Columbia, and copies thereof, certified by the clerk under the seal of the said court, shall be competent evidence in any court of justice.

29. It shall be lawful, in case of the breach of the condition of any such bond, for any person, persons, or body politic, thereby injured, to institute a suit upon such bond in the name and for the sole use of such party, and thereupon to recover such damages as shall be legally assessed, with costs of suit; for which execution may issue for such party in due form; and in case such party shall fail to recover in the suit, judgment shall be rendered and execution may issue for costs in favor of the defendant or defendants against the party who shall have instituted the suit; and the United States shall in no case be liable for the same.

30. The said bonds shall, after any judgment or judgment rendered thereon, remain as a security for the benefit of any person, persons, or body politic, injured by breach of the condition of the same, until the whole penalty shall have been recovered; and the proceedings shall always be in the same manner, and as hereinbefore directed.

31. The executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies, during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until a successor was appointed and sworn or affirmed.

32. All suits on marshals' bonds shall be commenced and prosecuted within three years after the said right of action shall have accrued, and not afterwards, saving, nevertheless, the rights of infants, feme-coverts,

and persons non compos mentis, so that they sue within three years after their disabilities are removed.

33. The marshal shall indorse on every execution on which he shall have collected any sum of money, the particulars of his fees charged against either of the parties to the execution.

34. The marshal shall have power to employ as many bailiffs as may be necessary, in the discretion of the justices or justice holding the said courts.

CHAPTER IV.—CORONER.

1. When to perform duties of marshal.

1. The coroner shall perform the duties of marshal in all cases where the marshal is a party or interested, who shall be entitled to the same fees as are allowed by law to the marshal for similar services, and shall be subject to the same penalties.

CHAPTER V.—ATTORNEYS AT LAW.

1. Who to be admitted as attorneys.
2. Attorneys of other States.
3. No person to practice without being admitted as attorney.
4. Students of law.
5. Graduates of law schools.
6. Oath.
7. Punishment for practicing without admission.
8. Persons prohibited from practicing.
9. Parties may try their own cases or by counsel.
10. Contempt of court by attorneys.
11. Misbehavior of attorneys.
12. How tried.
13. Neglect to pay money collected.
14. Court to make rules for admission of attorneys.
15. Attorneys to include, &c.

1. Any citizen of the United States, of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, shall be entitled to admission as attorney before the supreme court of the District of Columbia.

2. Applicants for admission, who have been admitted to practice law in the supreme court of any State or Territory, may, upon satisfactory evidence of good moral character, and after examination as to fitness, or, in the discretion of the court, without such examination, be admitted to the bar, if the members of the bar of this court are admitted to the bar of the highest court of such State or Territory upon the same terms.

3. No attorney or other person shall practice generally the law in any court of the District of Columbia without being admitted thereto by the supreme court in general term; but each of the justices holding the several courts or terms thereof may allow attorneys at law, who have been admitted to practice as such before other courts, to appear specially in any matter or cause before him pending.

4. No student shall be admitted until after such examination and proof of good moral character, and that he has studied at least three years under the direction of some competent attorney. Diligent study in any law school shall, to the extent thereof, be computed as part of said three years.

5. Applicants for admission to the bar of this court, who produce

certificates of graduation of any law school in the District of Columbia, shall be admitted without further examination.

6. Every person, on his admission, shall take an oath to support the Constitution of the United States, and to discharge the duties of attorney to the best of his knowledge and ability. A certificate of such oath shall be indorsed on the license.

7. If any person shall practice law in any court of this District, or hold himself out, or declare that he is such attorney, without having received a license as aforesaid, he shall be deemed guilty of contempt of court, and be punished as in other cases of contempt.

8. No justice, judge, or clerk of any court in this District, or the register of wills, or the recorder of deeds, or marshal, or the deputy of any such clerk, register, recorder, or marshal, or justice of the peace, shall be permitted to practice as an attorney, nor shall any such ask or receive any fee or reward for advice respecting anything to be brought before or depending in any of the courts of this District. If any person shall violate the provisions of this section, he shall, in every case not otherwise specially provided for, be fined a sum not exceeding five hundred dollars.

9. Parties may manage, prosecute, or defend their own suits personally, or by such counsel or attorneys as they may engage.

10. The court in general term, or any of the justices holding either of the courts or terms of the supreme court of the District of Columbia, shall have power to dismiss from the bar, or to suspend from practice, or fine and imprison, any attorney who shall be guilty of contempt of court, or professional misconduct in its presence: *Provided, however,* That any person so dismised the bar, or suspended, or fined a sum exceeding one hundred dollars, or imprisoned, may appeal from such order to the court in general term, as in other cases, except when such order shall have been first made by the court in general term.

11. The court, on proof being made to it that any attorney has been convicted of a felony or misdemeanor involving moral turpitude committed since his admission to practice, may suspend or revoke his license.

12. Upon complaint in writing, verified by affidavit, made to the court in general term, of malpractice or gross misconduct by any attorney concerning any matter depending, or to be brought in any of the courts of this District, or in any matter in which he has been employed or consulted as attorney, the party accused shall be summoned by said court, to show cause why an information should not be filed therein against him; and upon such information being ordered, the said court in general term shall hear and determine the same; and if the accused be found guilty, the said court may suspend his license for a time, or revoke it, and pass such other order in the premises as shall indemnify any and all parties that may have suffered by said malpractice or gross misconduct, and the disobedience of which order shall be deemed a contempt of court, and punishable as such. Such party shall have an opportunity of being heard in his defense. The cause of such suspension or revocation shall be entered of record.

13. If an attorney at law unreasonably neglects to pay money collected by him, for and belonging to a client, when demanded by a client, he shall forfeit and pay to such client five times the lawful interest of the money, from the time of the demand, which the court in general term, after hearing of both parties, may order to be paid; disobedience of which shall be deemed a contempt of court, and punishable as such.

14. The court shall have full power and authority, from time to time,

to make such rules as it shall deem proper, respecting the qualifications examination, and admission of attorneys to practice in the several courts in this District.

15. The word attorney in this chapter shall be construed to include counsellor, solicitor, and proctor.

CHAPTER VI.—REPORTER.

1. To be appointed by the court.
2. To attend court.
3. How to report cases.
4. Oath.
5. When unable to attend to depute another.
6. Salary.
7. Governor to publish reports.
8. How reports disposed of.

1. The supreme court of this District shall appoint some person, learned in the law, to report the decisions of the said court in general term; removable at the pleasure of said court.

2. The reporter shall attend the court personally, make true reports of all its decisions, and publish the same whenever a sufficient number have accumulated to make a volume of six hundred pages.

3. The reporter shall, at his discretion, report the several cases more or less at large, according to their relative importance.

4. The reporter shall be sworn to the faithful performance of his duties.

5. If the reporter is necessarily prevented from attending at a term, he shall depute some suitable person to attend for him, or the court may appoint a person to officiate in his stead, until he resumes the performance of his duties, or until another is appointed.

6. The reporter shall receive from the treasury of the District of Columbia an annual salary of fifteen hundred dollars, payable quarterly.

7. The governor shall contract each year for the printing and binding of one thousand copies of the said reports, in a style not inferior to the published reports of the Supreme Court of the United States; and shall also secure the copyright of the said reports for the benefit of the said District.

8. The governor shall deliver one copy of each volume, as soon as practicable, to each of the justices of the said court, to the reporter, clerk of said court, marshal of said District, register of wills, comptroller, and auditor of said District; two copies for the office of the governor of said District, to the secretary of said District, and to each branch of the legislative assembly. The balance shall be sold at a price not exceeding five dollars a volume.

CHAPTER VII.—STENOGRAPHER.

1. To be appointed by the court; duties.
2. Duties.
3. Subject to order of court.
4. Salary.

1. There shall be appointed by the court in general term, a stenographer, whose duty it shall be to attend the session of the circuit court, and make full notes of the proceedings in causes tried in said court; and the stenographer shall, as soon as practicable thereafter, transcribe the instructions and charge of the court into long-hand, when they are given orally, and the same shall be filed with the record in each case.

2. Said stenographer shall also attend upon the sessions of the court in general term, and take short-hand notes of such opinions of the court as may be delivered orally, and subsequently transcribe into long-hand, and furnish the same to the official reporter.

3. When not employed in the circuit court, said stenographer shall be liable to do duty at the instance of any justice holding any other of the terms of said court.

4. Said stenographer shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, by the treasurer of the District of Columbia.

CHAPTER VIII.—SELECTION OF JURORS.

1. Court to designate persons to select jurors; when to be selected.
2. Number to be selected.
3. Persons exempted.
4. Names to be written on separate papers.
5. When and how drawn; jury for criminal court.
6. Jury for circuit court.
7. Names drawn not to be replaced for two years.
8. Others to be drawn when persons have died.
9. How defective panels to be filled.
10. Box to be refilled when exhausted.
11. Marshal to notify jurors.
12. Persons incompetent as jurors.
13. Soliciting name to be placed in box prohibited.
14. Punishment of jurors who fail to attend.

1. Until the legislative assembly shall otherwise provide, the supreme court of the District may, by orders in general term, from time to time designate necessary officers or persons to make, on or before the first day of February in each year, a list of such of the male citizens, taxpayers, residing within the District, as they shall judge best qualified to serve as jurors in the courts of the said District, in which lists may be included, in the discretion of the officers or persons making the same, the names of such qualified persons as were in the list of the previous year but did not serve as jurors, and the lists thus made shall be kept by the clerk.

2. The officers or persons aforesaid shall select from the list of the residents of Washington City the names of four hundred persons; from the residents of Georgetown, eighty persons; and from the residents of the county of Washington, lying outside the limits of said cities, forty persons, which proportion may be varied from year to year, according to the increase or decrease of population in the respective cities and county, by order of the legislative assembly.

3. The governor and all salaried officers of the District, all judicial officers, salaried officers of the Government of the United States, commissioners of police, and those connected with the police or fire department, counselors and attorneys at law, ministers of the gospel and priests of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, alms-houses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of said District, and keepers of public ferries, shall be exempt from jury duty, and their names shall not be placed in the list aforesaid.

4. The names selected from said list shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names cannot be seen, and placed in a box, which box shall be sealed, and after being thoroughly shaken, shall be delivered to the clerk of the supreme court of the said District for safe-keeping.

5. The clerk of said court, in the presence of any justice thereof, shall,

at least ten days before the commencement of each term of the circuit or of the criminal courts, meet at the city hall, in Washington City, and then and there the said clerk shall publicly break the seal of said box, and proceed to draw therefrom the names of so many persons as are required; and if the jury about to be drawn is intended for service in the criminal court, the twenty-three persons whose names shall be first drawn shall constitute the grand jury; and the twenty-six persons whose names shall next be drawn shall constitute the petit jury for that term; but in a capital case, where the said panel shall have been exhausted by reason of challenge or otherwise, the court before whom such capital case is pending shall order additional names to be drawn in its presence; and if all of the names in the box shall have been drawn out and no jury found, the court shall order the marshal to summon talesmen until a jury shall be found. But the names of persons drawn from the said box in a capital case, who do not serve as jurors in the said case, shall be returned to the box by the clerk in the presence of the court.

6. If a jury be required for a circuit court, the twenty-six persons whose names shall first be drawn shall constitute the jury for that term.

7. The names of persons drawn from the said box, and who have served on any of the regular panels of either of said courts as jurors, shall not be again placed in such box for the period of two years.

8. If any person whose name is drawn shall have died or removed from the District, or has become otherwise disabled from serving as a juror, the said clerk shall draw from the box another name, who shall serve instead; and after the requisite number of jurors shall have been so drawn, the said box shall again be sealed by the said clerk.

9. If any of the panels aforesaid, drawn for service as either a grand or petit jury for the criminal court, or trial jury for the circuit court, shall, for any reason, become defective, the court shall order additional names to be drawn from the said box by the said clerk in its presence. But if any juror shall be temporarily absent, and the court being about to proceed with the trial of a case shall be unable so to do in consequence of the absence aforesaid, the court may order the marshal to summon such talesmen for the trial of the particular case as may be necessary to complete the jury; but no person who has been summoned as such talesman shall be again summoned as talesman during the same term.

10. If at any time during the year, and before the first day of February in each year, all the names in the box shall have been drawn out, either of said courts then in session may order the said officers or persons to select from the said list as aforesaid and place the names in said box, as provided for in sections two and four of this chapter.

11. It shall be the duty of the marshal of the District of Columbia, at least five days before the meeting of the court for which a jury is required, to notify each person drawn, by serving on him a notice in writing of his selection as a juror of the court he is to attend, and of the day and hour he is to appear; which notice shall be given to each juror in person, or to be left at his usual place of residence; a copy of which notice, with its certificate, stating when and in what manner the original was served, shall be returned by the said marshal to the court before the commencement of the term for which the said jurors were drawn.

12. No person shall be competent to act as a juror, unless he is a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, a good and lawful man,

who has never been convicted of a felony or misdemeanor involving moral turpitude; and the court may in its discretion excuse any person from serving as a juror upon proper cause shown.

13. If any officer named in the first section of this chapter shall put on the list he is required to make the name of any person at his own request, or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and imprisoned in the county jail not less than sixty days, for each and every offense. And the person so requesting shall also be deemed guilty of a misdemeanor, and subject to the same punishments. And if the clerk of the circuit court shall draw from the box a greater number of names than is required by the court, in accordance with the provisions of this chapter, or shall put in said box any name after the same has been delivered to him as aforesaid, or shall be guilty of any fraud or collusion in respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and be imprisoned in the county jail not less than sixty days, for each and every offense.

14. If any person selected as a juror, and duly notified to attend, according to the requirements of this chapter, shall, without sufficient cause, neglect to attend agreeably to such notice, he shall be fined by the court in a sum not exceeding twenty dollars for every day he shall be absent during the sitting of said court.

CHAPTER IX.—AUDITOR OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The supreme court of the District of Columbia shall, in general term, appoint an auditor, who shall be learned in the law, and shall be a person of integrity, judgment, and skill in accounts, and who shall, before he enters upon the duties of his appointment, take an oath well and faithfully to execute the duties of his office, without favor, affection, partiality, or prejudice.

He shall hold his office, unless sooner removed for cause shown, for five years.

Accounts directed to be stated, audited, or settled by order of the justice holding a special term, or by the court in general term, shall be referred for such purpose to the auditor, who shall have power and authority to administer an oath to all witnesses and persons proper to be examined upon such accounts; and shall audit, state, and settle such accounts agreeably to the order of reference; return the same to the court or the justice, to be dealt with as thought just.

In actions at law, if the action be grounded upon an account, or it be necessary to examine and determine on mutual accounts between the parties, the court may discharge the jury, and order the accounts and dealings between the parties to be audited and stated by the auditor of the court; and there shall be such proceedings thereon as in cases of actions of account.

If a suit at law be against an administrator or executor for debt or damages, and the real debt or damages is ascertained by the jury, their verdict shall be entered in the minutes of the court; and it shall be referred to the auditor to ascertain the sum for which judgment shall be given.

The auditor shall perform such other duties preliminary to final action by the court as he may from time to time be directed to do.

In a special case, the court or justice may appoint a special auditor, or special auditors, for that case, to perform the duties of auditor therein.

CHAPTER X.—EXAMINERS IN EQUITY.

SECTION 1. The court shall from time to time appoint, from the members of the bar, as many examiners in equity as may be necessary, not to exceed, with those now holding that office, ten in number.

SEC. 2. They shall hold their office for the term of five years, unless sooner removed for cause shown, and the terms of examiners now holding shall expire within one year after the date hereof.

SEC. 3. Examiners in equity shall have power to take depositions and acknowledge affidavits for use in the courts of this District, and to administer judicial oaths and affirmations in all cases not otherwise specially provided for.

SEC. 4. Whenever a case is referred by the court to an examiner, to take testimony or a deposition therein, the clerk shall furnish the examiner with a copy of the order of reference, and the examiner shall thereupon, unless some place or time is designated in such order, set a time and place for the execution thereof, giving the parties at least forty-eight hours' notice of the same.

SEC. 5. In case neither party attend at the time set, the examiner may proceed with the examination of any witnesses who may be present, or he may postpone the examination and give the parties notice of such postponement.

SEC. 6. No examination shall be had after sunset, unless by consent of the parties or by order of the court, and the length of a session shall not exceed three hours.

SEC. 7. An examination once begun shall be continued from day to day until the same is completed, unless a continuance to a specified time is agreed upon.

SEC. 8. Parties may waive the notices hereinbefore required, or consent to modifications of these rules, but all such waivers and consents must be in writing, and signed by them or their attorneys.

SEC. 9. In taking depositions or interrogatories the examiners shall, as nearly as may be, be governed by the rules for taking depositions orally, as provided in the equity rules. (See Part III.)

SEC. 10. Examiners shall not refuse to take down any testimony because they regard it as irrelevant, but if the conduct of a witness or party be scandalous, or a witness refuse to answer questions put to him, they may suspend the examination and certify such conduct or refusal to the court for its action in the premises.

SEC. 11. Before examination each witness shall be sworn to tell the truth, the whole truth, and nothing but the truth, touching the matters whereof he may be examined ; and the return by the examiner shall show that each witness was so sworn, and that the examiner is not of counsel nor attorney for either party to the controversy examined into, nor interested in the event thereof.

SEC. 12. Examinations begun before one examiner may be finished before another, in case the first examiner is unable to conclude them, or by consent of parties.

SEC. 13. When the taking of testimony or depositions is concluded,

the examiner shall, upon the payment of his fees, return the same into court securely fastened together, under his seal, but it shall not be necessary for him to close and seal them up.

CHAPTER XI.—UNITED STATES COMMISSIONERS.

The supreme court of the District of Columbia shall, from time to time, appoint United States commissioners: *Provided*, That no new appointments be made until the present number in commission be reduced below fifteen, and that thereafter the number be limited to fifteen.

United States commissioners may, under the laws of the United States—

Take acknowledgment of bail and affidavit in civil causes pending in United States courts, including the taking of depositions *de bene esse*.

Issue warrants of arrest, examine, commit, or hold to bail in criminal causes, where the prosecution is by or on behalf of the United States.

Issue process for seamen's wages.

Enforce the decisions of foreign consuls between captains and crews of vessels of their own nation.

Compel the attendance of witnesses under letters rogatory.

Entertain jurisdiction of cases of desertion of their vessels by seamen.

They may take all acknowledgments and administer all oaths not otherwise specially provided for.

They shall each have seals, and deposit a copy of the impression thereof, accompanied by their signature, in the office of the clerk of the supreme court of the District of Columbia.

CHAPTER XII.—COMMISSIONERS TO TAKE DEPOSITIONS.

The governor may appoint, in each of the States and Territories of the United States, one or more commissioners, who shall hold office three years from the date of their respective appointments unless sooner removed by the governor.

Each commissioner so appointed shall, within three months from his appointment, take and subscribe an oath or affirmation before some officer qualified to administer judicial oaths where he resides, faithfully to discharge the duties of his office, and shall cause to be prepared an official seal in which shall be designated his name, the words "Commissioner for the District of Columbia," and the name of the State or territory and city or county where he resides, an impression of which seal, together with his oath of office and signature, shall be forthwith transmitted to and filed in the office of the secretary of the District; and the commissioner so appointed shall also forthwith transmit an impression of his seal and his signature to the clerk of the supreme court of the District of Columbia; and it shall be the duty of the secretary of the District to inform said clerk from time to time of the appointment, resignation, removal, and expiration of term of office of commissioners appointed as hereinbefore set forth as the same may come to his knowledge.

Each commissioner thus appointed may, in the State or Territory for which he is appointed, administer oaths or affirmations, take depositions, affidavits, acknowledgments of deeds, and other instruments to be used and recorded in this District. All oaths, affirmations, deposi-

tions, affidavits, acknowledgments, and proofs so administered or taken and certified by him under his official seal shall be as effectual as if administered or taken and certified by a justice of the peace, notary public, or examiner in equity in this District.

The secretary of the District shall forward to each commissioner instructions and forms prepared in conformity to law with a copy of these provisions, [the three preceding sections.]

CHAPTER XIII.—OF JUSTICES OF THE PEACE AND CONSTABLES.

JUSTICES OF THE PEACE.

Appointment, number, and qualification.

SECTION 1. The governor shall appoint proper and discreet citizens of the District of Columbia to be justices of the peace in and for the District of Columbia, as he, from time to time, shall think expedient, not exceeding fifty in number, including those now in commission, to continue in office for the term of three years. And in making said appointments, the governor shall endeavor as nearly as may be to distribute said justices equally among the various legislative districts.

SEC. 2. Every person appointed to the office of justice of the peace shall, before he enters upon the duties of his office, take an oath before some person qualified to administer judicial oaths in the District of Columbia, to support the Constitution of the United States, and to discharge faithfully and impartially the duties of his office, which oath shall be certified and transmitted by the person administering the same, to the secretary of the District, to be by him recorded among the executive proceedings.

SEC. 3. No person now in commission as justice of the peace, nor any person hereafter appointed to be justice of the peace, shall be allowed to further exercise the duties of such office, or to enter upon them, until he shall have given a bond to the District of Columbia, in the sum of five thousand dollars, with two or more resident freehold sureties, to be approved by the supreme court of the District of Columbia, conditioned for the faithful performance of his duties, and for paying over, on demand, to the person entitled or authorized to receive the same, all moneys that may come into his hands as a justice of the peace, during his continuance in office; and such bond shall be filed in the office of the clerk of the supreme court of the District of Columbia, and any person aggrieved by a breach of the condition thereof may recover against the justice and his sureties such sum as he may show himself entitled to, with such cost and damages as the court may adjudge.

Jurisdiction.

SEC. 4. Justices of the peace, in the District of Columbia, shall have jurisdiction in all civil cases where the defendant, at the time of serving the writ, shall be an inhabitant of or found within the District of Columbia, and where the amount claimed to be due for debt or damages arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed one hundred dollars, except in cases involving the title to real estate, actions to recover damages

for assault, or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for misconduct in office, or in actions for slander, verbal or written.

SEC. 5. Justices of the peace shall have power to summon witnesses, to administer all oaths, and to take all acknowledgments not otherwise specially provided for, and to punish for contempt by fine not exceeding ten dollars, and imprisonment in the jail not exceeding twenty-four hours, or both.

SEC. 6. No justice of the peace in said District shall hereinafter exercise any jurisdiction over crimes and offenses committed in said District, either for examination to commit, or hold for bail, or for final judgment, except that any justice of the peace may, on complaint under oath or actual view, issue warrants against persons accused of such offenses, which shall be returnable to the police court of the said District, and he shall make a record of his proceedings in every such case in a book to be kept for that purpose.

Practice Docket.

SEC. 7. All justices of the peace in and for the District of Columbia shall keep a docket of all causes arising before them, in which shall be stated the name of the plaintiff and defendant, the nature of the case, and each and every step taken in said cause from its commencement to its conclusion, and in detail the fees thereon attendant. They shall also preserve the papers, pleadings, &c., of each cause by themselves.

Commencement of Action.—Service and Return of Process.

SEC. 8. Actions shall be commenced by filing with the justice the account, note, bill, bond, or instrument, or a copy thereof, upon which the action is brought, or a concise statement in writing of the cause of action.

SEC. 9. The justice shall thereupon issue, in all cases not otherwise specially provided for, a summons, directed to a constable, commanding him to summon the defendant to appear before such justice, or some other justice of the peace for the District of Columbia, at a certain time, (not more than twenty days from the date thereof,) to answer the complaint of the plaintiff. In an action for money or damages, the summons shall state the amount claimed. In an action for the recovery of personal property, the property claimed shall be described with reasonable certainty, where no affidavit is filed at the time of issuing the summons for the immediate delivery thereof.

SEC. 10. Such summons shall be served as provided for in the rules relating to service of process in the Supreme Court of the District of Columbia.

SEC. 11. Every summons, and all other processes, shall run in the name of the District of Columbia, and be dated the day they are issued, and shall be signed and sealed by the justice granting the same, and shall be directed to a constable of the District of Columbia; and no justice of the peace shall deliver any summons, writ, or process whatever to any person signed and sealed by himself and not filled up.

SEC. 12. The constable serving a summons or any other process shall return thereon, in writing, the time and manner of service, and shall sign his name to such return.

SEC. 13. If the summons be returned not served, it shall be the duty of the justice to renew the same from time to time as occasion may require.

Appearance.

SEC. 14. The parties may appear in person or by attorney.

SEC. 15. If at the expiration of one hour from the time set in the summons for the appearance neither party shall have appeared, the justice shall dismiss the case at the cost of the plaintiff; if the plaintiff alone shall have appeared he may have the defendant called, and take judgment by default; if the defendant alone shall have appeared he may have the plaintiff called, and dismiss the suit, or he may have a trial.

Pleadings.

SEC. 16. The pleadings before justices of the peace shall take place upon the appearance of the parties, unless they shall have been previously filed, or unless the justice, for good cause shown, allow a longer time than the time of appearance.

1. The complaint of the plaintiff, which shall state in a plain and direct manner the facts constituting the cause of action.

2. The answer of the defendant, which may contain a denial of the complaint, or any part thereof, and also a statement, in a plain and direct manner, of any facts constituting a defense.

3. When the answer claims a set-off by way of defense, the reply of the plaintiff.

SEC. 17. The pleadings shall be in writing, when the action is for a forcible or unlawful entry upon, or a forcible or unlawful detention of, lands, tenements, or other possessions. In all other cases the pleadings may be oral or in writing.

SEC. 18. When the pleadings are oral, the substance of them shall be entered by the justice in his docket; when in writing, they shall be filed, and a reference made to them in his docket.

SEC. 19. No particular form shall be required for pleadings, but they shall be such as to enable a person of common understanding to know what is intended.

Adjournment.

SEC. 20. No justice of the peace shall adjourn the hearing of any case over twenty days at any one time.

Trials.

SEC. 21. After issue joined as aforesaid, the cause shall be heard and determined by the justice according to the rules of law, unless the sum demanded exceed twenty dollars and either of the parties shall demand a trial by jury.

SEC. 22. And upon such demand the justice shall issue a venire directed to a constable of the District of Columbia, commanding him to summon twelve jurors, to be and appear before the said justice at such time and place as shall be therein expressed, said jurors to possess the same qualifications, and to be liable to the same exceptions as jurors in the supreme court of the District of Columbia; and if any of the persons so summoned and returned as jurors shall not appear or shall be challenged and set aside, the said justice shall direct a constable to summon and return forthwith a tales, each of whom shall possess the same qualifications and be subject to the same exceptions as jurors in the supreme

court of the District of Columbia, so as to make up the number of twelve after all causes of challenge are disposed of by the justice. And the twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence; and, the said jury being sworn, shall sit together and hear the proofs and allegations of the parties in public, and when the same is concluded, the justice shall administer to the constable the following oath, viz: "You do swear that you will keep this jury together in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself unless by order of the justice, until they have agreed upon their verdict." And when the jurors have agreed on their verdict, they shall deliver the same publicly to the justice, who is to give judgment thereon forthwith.

SEC. 23. In case of the sickness, or other disability, or necessary absence of a justice at the time appointed for trial, another justice may, at his request, attend in his stead, and shall thereupon become vested with the power, for the time being, of the justice before whom the summons was returnable. In that case, the proper entry of the proceeding before the attending justice, subscribed by him, must be made in the docket of the justice before whom the writ was returnable. If the case be adjourned, the justice before whom the summons was returnable must resume jurisdiction, if his disability has ceased.

General rules.

SEC. 24. So far as the same may be applicable, the rules of practice of the supreme court of the District of Columbia shall control practice before justices of the peace.

Judgment.

SEC. 25. When any cause is heard and determined by the justice himself, he shall award and enter judgment therein within forty-eight hours after the hearing of such cause shall have closed.

Execution.

SEC. 26. Execution may be issued upon judgment immediately after entry thereof, unless the same be stayed by supersedeas on appeal, or as hereinafter provided; but after the lapse of one year from the date of the judgment no execution shall issue except upon affidavit filed with the justice before whom such judgment may be, showing that such judgment is unsatisfied, and after notice to the defendant; and no execution shall issue upon any judgment after the lapse of seven years from the date thereof.

SEC. 27. When any judgment shall have been rendered by any justice of the peace, and the same shall not have been satisfied during his continuance in office, any other justice of the peace may issue execution upon such unsatisfied judgment in the same manner and with like effect as if he himself had rendered the judgment, provided that a certified transcript of such judgment be filed with such justice. But in no case shall execution be issued upon a judgment by any other justice than the one rendering the judgment, if the justice rendering the judgment have authority to act as a justice of the peace.

SEC. 28. The execution shall be directed to a constable of the District of Columbia, shall be dated on the day it is issued, and made returnable within forty days from the date; and shall be against the goods and chattels, rights and credits, not exempted by law, of the person against whom it is issued; and there shall be indorsed upon the back of the execution, before its delivery to the constable by the justice, the amount of the debt or damages and costs, and of the fees due to each person separately; and the officer receiving such execution shall indorse thereon the time of reception.

SEC. 29. If an execution be not satisfied, it may, at the request of the party entitled thereto, be renewed from time to time by the justice who issued the same, or the justice with whom a certified transcript of the judgment is filed as aforesaid, by an indorsement thereon to that effect, signed by him, and dated when the same shall be made. If any part of such execution has been satisfied, the indorsement of renewal shall express the sum due on the execution. Every such indorsement shall renew the execution in full force, in all respects, for forty days and no longer, and an entry of such renewal shall be made in the docket of the justice.

SEC. 30. In all cases where the judgment is for sums exceeding five dollars, and is not for the wages of a servant or common laborer, and good and sufficient security be given by a person or persons owning sufficient property, located in the District, above all liabilities and exemptions to secure said debt, costs, and interest, execution may be stayed as follows: for the sum of five dollars and not exceeding twenty dollars, one month; for all sums over twenty dollars and not exceeding forty dollars, two months; for all sums over forty dollars and not exceeding seventy-five, dollars, four months; for all sums exceeding seventy-five dollars, six months.

Appeals.

SEC. 31. Any person against whom judgment for an amount exceeding five dollars has been rendered by a justice of the peace, either on his own hearing of the case or upon the verdict of a jury, may within ten days thereafter appeal to the supreme court of the District of Columbia from such judgment, upon paying his own costs and upon entering into an undertaking, with sufficient surety or sureties approved by the justice, to satisfy and pay all intervening damages and costs arising on the appeal.

SEC. 32. When such undertaking has been entered into, the justice shall immediately file the original papers, including a copy of his docket entries, in the office of the clerk of the supreme court of the District of Columbia; and thereupon, as soon as the appellant shall have made the deposit for costs required by law, or obtained leave from one of the justices, or from the court, to prosecute his appeal without a deposit, the clerk shall docket the cause and shall issue a summons for the appellee to appear at the next trial term of the court, and thereafter the cause shall be proceeded with in the manner prescribed by the rules of said court.

SEC. 33. If the appellant fails or neglects to prosecute within twenty days an appeal taken as aforesaid, the appellee may, upon making the required deposit for costs, have the cause docketed and move for affirmance of the justice's judgment, or he may have a trial of the cause upon its merits.

Title to real estate.

SEC. 34. If it appear in any action instituted before a municipal court, at any time before trial, by the pleadings, or if it appear from the evidence of either party on the trial, that the title to lands is in question, which title is disputed by the other party, the judge shall immediately make an entry thereof in his docket, and cease all further proceedings in the cause, and shall certify and return to the supreme court of the District of Columbia a transcript of all the entries made in his docket relating to the case, together with all the processes and other papers relating to the action, in the same manner and within the same time as upon an appeal; and thereupon the said supreme court shall proceed in the cause to final judgment and execution in the same manner as in an action originally begun therein, and the costs shall abide the event of the suit: *Provided, however*, If such transfer of the cause be made upon the answer of the defendant, he shall file an undertaking, with two sufficient sureties to be approved by the court, to the effect that they will pay all costs of the action if it be decided against him in the said supreme court.

Depositions.

SEC. 35. If any witness, residing within the District, shall be unable to attend, on account of age, sickness, or other cause, it shall be lawful for the justice before whom such suit shall be pending, or some other justice of the District, to take the deposition of such witness in writing; and the justice before whom the suit shall be pending shall adjourn the trial, not more than six days, for that purpose, and shall give both parties notice of the time and place of taking such deposition.

SEC. 36. In all cases, before justices of the peace, either party may have the case continued any reasonable time, not exceeding twenty days, for the purpose of taking the depostiion of any non-resident witness; which deposition shall be taken in conformity to the manner of taking and returning depositions of non-resident witnesses in the supreme court of the District of Columbia.

Removing causes.

SEC. 37. When any party summoned before a justice of the peace believes that the said justice cannot give him a fair and impartial trial, he may upon the return day of the summons, or the day set for trial, and before the trial has begun, personally, or by his agent or attorney, file with the justice an affidavit setting forth his belief that by reason of prejudice, or for other reasonable cause, the said justice cannot give him a fair and impartial trial, and demanding that the said cause be removed for further proceedings to such one of three justices, to be named by him in the demand, as the opposite party shall elect.

SEC. 38. When such an affidavit and demand have been filed with any justice of the peace, he shall call upon the opposite party to make his election of the names presented, and shall then cease further proceedings in the cause, and send the papers therein, with his indorsement setting forth the facts, and an itemized account of the costs, to the justice so selected; or in case the opposite party refuse to select any one of the three names presented, to the one first on the list. And the justice to whom the cause has been so removed shall proceed to hear the same, as if it had originated before him, the costs of the removal to abide the decision of the cause.

SEC. 39. A justice of the peace, on the demand of a party in whose favor he shall have rendered judgment for any sum exceeding twenty dollars, shall give a transcript thereof, which may be filed and docketed in the office of the clerk of the supreme court of the District of Columbia. The time of the receipt of the transcript by the clerk shall be noted thereon and entered in the docket, and from that time the judgment shall be a judgment of the supreme court of the District of Columbia.

Amicable judgment.

SEC. 40. If both parties to a controversy agree to have the same decided by a justice of the peace, without process, he shall enter the same on his docket, noting particularly such consent, and proceed as in other cases.

Arbitration.

SEC. 41. In all cases the parties to a suit before a justice shall have the privilege of referring the difference between them to arbitrators, mutually chosen by them, who shall examine the matter in controversy, and make out their award thereon in writing, and deliver the same to the justice, who shall enter the said award on his docket, and give judgment according thereto.

SEC. 42. No justice shall purchase any judgment or interest in a judgment rendered by any justice of the peace; and any such purchase shall operate as a satisfaction of such judgment to the extent of the interest therein purchased.

SEC. 43. Justices may receive money tendered them on any judgment on their docket, and shall pay over the same on proper demand to the person authorized to receive the same.

Receipt to be given.

SEC. 44. Every justice of the peace shall give to a party paying him money in a cause pending before him, or on a judgment, receipt for the same, specifying the caption and number of the cause on his docket, and the date and amount of payment, which receipt shall be a good and sufficient release to the party paying the same for the amount so paid.

Seal.

SEC. 45. Every justice of the peace shall provide himself with a seal, imprints of which, accompanied by his signature, he shall file in the offices of the secretary of the District, and of the clerk of the supreme court of the District of Columbia.

Delivery of books, &c., on termination of office.

SEC. 46. If any justice of the peace shall die, resign, or remove from this District, or if his term of office be in any manner terminated, the docket, books, records, and papers appertaining to his office, or relating to any action, matter, or controversy committed to him in his official capacity, shall be delivered to the clerk of the supreme court of the District of Columbia. In the event of the death of any justice of the peace, such docket, books, records, and papers shall be so delivered to the said clerk by the executor or administrator of such justice; and it

shall be the duty of the said clerk to furnish copies of entries made in said dockets, or of said books, or records, or papers, or any of them, to persons applying therefor, and who may be entitled thereto in the same manner and to the same effect as if said copies had been furnished by the said justice prior to the termination of his said term of office.

SEC. 47. Every person whose duty it may be to deliver over such books, papers, &c., to the said clerk, who shall neglect to do so, shall forfeit and pay one hundred dollars for each and every month's neglect to perform such duty, one-half thereof to the informer and one-half to the District of Columbia, to be recovered in the same manner as other penalties due to the District of Columbia.

SEC. 48. Justices of the peace may be removed by the supreme court of the District, on information filed by any attorney of the supreme court of the District of Columbia, for incompetency, habitual drunkenness, grossly immoral life, conviction of any felony or misdemeanor involving moral turpitude, or malfeasance in office.

SEC. 49. It shall be the duty of the secretary of the District of Columbia to inform the clerk of the supreme court of the District of Columbia of the appointment, removal, and resignation of justices of the peace so far as the same come to his knowledge; and when any justice shall have been removed from office by the supreme court of the District of Columbia, the clerk of the said court shall furnish the secretary of the District with a copy of the judgment of the court making such removal.

SEC. 50. Every justice of the peace now in commission, or who may hereafter be appointed, shall, within thirty days from the passage of this act or the date of his appointment, open and thereafter maintain an office in this District for the transaction of business, and shall notify the secretary of the District and the clerk of the supreme court of the District of Columbia, of the location of such office and of any subsequent change therein, under penalty of forfeiting his commission.

CONSTABLES.

Appointment, number, and qualification.

SEC. 1. The governor shall appoint proper and discreet citizens of the District of Columbia, to be constables in and for the District of Columbia, as he from time to time shall think expedient, not exceeding in number, including those now in commission, to continue in office for the term of three years.

SEC. 2. Every person appointed to the office of constable shall, before he enters upon the duties of his office, take an oath, before some person qualified to administer judicial oaths in the District of Columbia, to support the Constitution of the United States, and to discharge faithfully and impartially the duties of his office, which oath shall be certified and transmitted by the person administering the same to the secretary of the District, to be by him recorded among the executive proceedings.

SEC. 3. No person now in commission as constable, nor any person hereafter appointed to be constable, shall be allowed to further exercise the duties of such office, or to enter upon them until he shall have given a bond to the District of Columbia, in the sum of three thousand dollars with two or more resident freehold sureties, to be approved by the

supreme court of the District of Columbia, conditioned for the faithful performance of his duties, and for paying over, on demand, to the person entitled or authorized to receive the same, all moneys that may come into his hands as constable during his continuance in office; and such bond shall be filed in the office of the clerk of the supreme court of the District of Columbia; and any person aggrieved by a breach of the condition thereof may recover against the constable and his sureties such sum as he may show himself entitled to, with such costs and damages as the court may adjudge.

Duties.

SEC. 4. Constables shall attend the courts of justices of the peace when required, and execute all lawful orders made by them.

SEC. 5. Constables shall be confined exclusively to the service of civil process and the collection of strictly private debts.

SEC. 6. They shall execute and return all writs and processes directed to them by any justice of the peace, being governed, in regard to the service, execution, and return of orders, writs, processes, and papers, where there are no positive provisions of law affecting them, by the laws relating to the marshal, so far as they may be applicable.

Paying over moneys.

SEC. 7. In all cases where a constable shall have received money in payment or part payment, either voluntarily made by any defendant or execution debtor, or as the proceeds of the sale of property by virtue of an execution in his hands, it shall be the duty of such constable to pay over said money to the plaintiff, his agent or attorney, or other proper party, without delay.

SEC. 8. When any execution is fully paid and satisfied, either by sale or otherwise, it shall be the duty of the constable to return it forthwith.

SEC. 9. When any property levied upon by virtue of an execution shall sell for more than will satisfy the judgment, interest, and costs, including the constable's lawful costs thereon, it shall be the duty of the constable immediately to render the overplus to such execution debtor.

Purchasing judgments, &c.

SEC. 10. No constable shall purchase any judgment or interest in a judgment rendered by any justice of the peace.

SEC. 11. No constable shall appear in any court, or before any justice of the peace, as attorney or counsel for or in behalf of any party in a suit, nor shall he draw, make, fill up, or alter a writ, declaration, plea, or process for such party.

SEC. 12. No constable shall become the purchaser, nor procure any person to become the purchaser for him, of any property by him exposed for sale by virtue of any execution or other process; and all such purchases shall be null and void.

Failure to perform duties, &c.

SEC. 13. Any constable who shall make a false return of any writ or process, or who shall fail to return the same, within the time limited for such return, or who shall fail to discharge any duties incumbent on him by law, not otherwise specially provided for, shall, with his sureties, be

liable to the party injured, to the extent of the injury, with interest and ten per cent. damages thereon, to be recovered by motion in the supreme court of the District of Columbia, ten days' notice thereof being given, or by action on the constable's bond.

SEC. 14. If a constable receive money on account of any claim intrusted to him for collection, he and his sureties shall be liable for the money so received, as for money collected under execution.

Receipt to be given.

SEC. 15. Every constable shall give to a party paying him money on account of any claim intrusted to him for collection, or on account of any judgment or execution officially placed in his hands, a receipt, specifying date of payment, amount paid, and on what account the same has been made, which receipt shall be a good and sufficient release to the party paying the same for the amount so paid.

SEC. 16. Constables may be removed by the supreme court of the District on information filed by any attorney of the supreme court of the District of Columbia, for incompetency, habitual drunkenness, grossly immoral life, conviction of any felony or misdemeanor involving moral turpitude, or malfeasance in office.

SEC. 17. It shall be the duty of the secretary of the District of Columbia to inform the clerk of the supreme court of the District of Columbia of the appointment, removal, and resignation of constables so far as the same come to his knowledge; and when any constable shall have been removed from office by the supreme court of the District of Columbia, the clerk of the said court shall furnish the secretary of the District with a copy of the judgment of the court making such removal.

FEE-BILL FOR JUSTICES OF THE PEACE AND CONSTABLES.

For justices.

For issuing every summons to commence a suit	$0 25
For issuing subpœnas for witness	25
For issuing each additional subpœna or for each additional name to the first in a subpœna	05
Entering judgment after trial	50
Entering judgment by default or confession	25
Administering an oath or affirmation at trial	05
Issuing fieri facias	25
Issuing venditioni exponas	25
Issuing scire facias	25
Taking supersedeas bond and entering stay of execution thereon	25
Taking probate of any account	15
For commitment to and release from jail	25
For warrants and attachments and all affidavits for same in each case	25
Warrant against witness for contempt in disobeying subpœna	25
Acknowledging deed, for each person	50
Taking appeal bond and certifying in every case of appeal	1 00
For hearing and determining cases between landlord and tenant, in full of all charges	3 00

For constables.

For serving any summons or subpœna	$0 50
Administering oath or affidavit to appraisers in each case	25
Serving attachment for contempt	50
For collecting and paying over on execution, whether a sale has been made or otherwise, a commission of five per cent. which shall include all charges of the constable for such cases.	
For executing the judgment in cases between landlord and tenant	1 00

CHAPTER XIV.—NOTARIES PUBLIC.

SECTION 1. There shall be appointed by the governor so many proper persons to be notaries public, in and for the District of Columbia, as may from time to time be found necessary, not to exceed, with those now in commission, fifty in number.

SEC. 2. The term of notaries public shall be five years, and each notary public now in commission, or hereafter to be appointed, shall give bond in the sum of three thousand dollars, with security, to be approved by the supreme court of the District of Columbia, to faithfully discharge the duties of his office, which bond shall be deposited in the executive records in the District of Columbia, and shall take and subscribe an oath of office, and shall open and maintain, within thirty days from the date of his appointment, or the passage of this law, an office for the transaction of business, and notify the secretary of the District of Columbia of the location of the same and of any change thereof.

SEC. 3. Notaries public shall have power to administer all oaths not otherwise specially provided for; to take depositions and affidavits for use in the courts; to acknowledge deeds and other instruments requiring acknowledgment, and to make such protests and declarations as by commercial law and custom are usually made by and before notaries public.

SEC. 4. Each notary public shall provide a notarial seal with which he shall authenticate his acts, instruments, and attestations, on which seal shall be engraved, with such device as he may see proper, his name and the words "Notary Public for the District of Columbia." Imprints of this seal and copies of his signature shall be deposited by him in the office of the clerk of the supreme court, and the office of the secretary of the District.

SEC. 5. Notaries public may be removed by the supreme court of the District of Columbia upon cause shown, and in case of removal the clerk of said court shall inform the secretary of the District thereof, by sending him a copy of the judgment making such removal.

SEC. 6. The secretary of the District shall notify the clerk of the supreme court of all appointments, resignations, &c., of notaries public coming to his knowledge.

TITLE II.—OF ACTIONS, AND PROCEEDINGS THEREIN.

CHAPTER I. Limitation of actions for the recovery of real property.
II. Limitation of personal actions.
III. Abatement of actions.
IV. Actions by husband, &c., for death of wife, &c.
V. Parties to actions.
VI. Writ of summons.
VII. Publication.
VIII. Pleadings in general.
IX. Amendments.
X. Declaration.
XI. Pleas.
XII. Set-off.
XIII. Tender.
XIV. Demurrer.
XV. Replication and subsequent pleadings.
XVI. Repleader.
XVII. Motions.
XVIII. Bonds and undertakings in legal proceedings.
XIX. Interrogatories.
XX. Admission, production, and inspection of documents, and examination of parties.
XXI. Judgment by default.
XXII. Judgments by confession.
XXIII. Issues agreed.
XXIV. Notice of trial, and other proceedings preliminary thereto.
XXV. Depositions.
XXVI. Trial and its incidents.
XXVII. Trial by the court.
XXVIII. Trial by referees.
XXIX. Bill of exceptions.
XXX. Verdicts.
XXXI. Motions for new trial.
XXXII. Arrest of judgment.
XXXIII. Judgments.
XXXIV. Executions.
XXXV. Proceedings supplementary to execution.
XXXVI. Property exempted from execution, mortgage, or sale.
XXXVII. Appeals.
XXXVIII. Evidence.
XXXIX. Witnesses.
XL. Depositions to perpetuate testimony.
XLI. Proof of foreign laws, &c.
XLII. Depositions for States and foreign nations.
XLIII. Costs.
XLIV. Fees.
XLV. Schedule of forms.

CHAPTER I.—LIMITATION OF ACTIONS FOR THE RECOVERY OF REAL PROPERTY.

1. To be brought within twenty years.
2. Time, how computed.
3. Disabilities.
4. Possession defined.
5. Descent or discontinuance not to take away right of entry.

1. No person or corporation, or its successors, shall have or maintain any action for the recovery of real property, nor make an entry thereon, unless within twenty years next after the title and cause of action,

or right to make such entry, first accrued, or within twenty years after he or it, or those from, by, or under whom he or it claims, have been seized or possessed of the premises, except as hereinafter provided.

2. If such right or title first accrued to an ancestor or predecessor of the person who brings the action or makes the entry, or to any other person from, by, or under whom he claims, the twenty years shall be computed from the time when the right or title so first accrued.

3. If at the time when such right of action or of entry upon or for real property first accrues, the person entitled to such action or entry is within the age of twenty-one years, or disabled by marriage, insane, or imprisoned, such person, or any one claiming from, by, or under him, may bring the action or make the entry at any time within ten years after such disability is removed, notwithstanding the twenty years, before limited in that behalf, have expired.

4. No person shall be deemed to have been in possession of any real property within the meaning of this chapter, merely by reason of having made an entry thereon, unless he has continued in open and peaceable possession of the premises for one year next after such entry, or unless an action is commenced upon such entry and seisin within one year after he is ousted or dispossessed.

5. No descent or discontinuance shall take away or defeat any right of entry or action for the recovery of real property.

CHAPTER II.—LIMITATION OF PERSONAL ACTIONS.

1. In judgments, decrees, and sealed instruments.
2. On contracts—on trespass, replevin, &c.—on official bonds—on libel, slander, forfeitures, &c.
3. Disabilities.
4. Disabilities.
5. On open accounts.
6. As to non-residents.
7. Against representatives.
8. New promises.
9. Joint contractors not to be bound by new promises of others.
10. Party not promising not to be joined.
11. To apply to set-offs.
12. Fraud.
13. To run when demand is necessary.
14. In case of liability of principal for act of agent.

1. No judgment or decree of any court of the United States, or of any State or Territory within the United States, or recognizance, sealed instrument, or other specialty whatsoever, except as hereinafter provided, shall be good and pleadable, or admitted in evidence against any person in this District, after the principal debtor and creditor have been both dead twelve years, or the debt or thing in action is above twelve years' standing, saving to all persons, that shall be under the impediments of infancy, coverture, insanity, or imprisonment, the full benefit of all such judgments, decrees, recognizances, sealed instruments, or other specialties, for the space of six years after such disability removed.

2. (1.) All actions upon contracts, obligations, or liabilities, express or implied, excepting those mentioned in the preceding section, shall be commenced within six years from the time the cause of action accrues.

(2.) All actions upon a liability created by statute, other than a penalty or forfeiture; all actions of trespass for injuries to real property; all actions for taking, detaining, or injuring any personal property, including replevin; all actions upon bonds of marshals, coroners, constables, notaries public, and other officers, shall be commenced within three years from the time the cause of action accrues.

(3.) All actions for criminal conversation, or any other injury to the person or rights of another, not arising on contract; all actions for libel, slander, assault, battery, or false imprisonment; all actions upon a statute, for a penalty or forfeiture, where the action is given to the party aggrieved, or to such party and the District of Columbia, except where the statute imposing it prescribes a different limitation, shall be commenced within one year from the time the cause of action accrues.

3. If a person entitled to bring an action mentioned in the last section be, at the time of the cause of action accrued, either within twenty-one years, or insane, or imprisoned, the time of such disability is not a part of the time limited for the commencement of the action.

4. No person can avail himself of a disability unless it existed when his right of action accrued; but when two or more disabilities then exist, the limitation does not attach until all are removed.

5. In actions brought to recover a balance due upon a mutual, open, and current account, where there have been reciprocal demands between the parties, the cause of action shall be deemed to have accrued from the time of the last item proved in the account on either side.

6. When the cause of action shall accrue against any person who shall be out of this District, such action may be commenced within the terms herein respectively limited in this chapter, after the return of such person into this District; and if, after such cause of action shall have accrued, such person shall depart from and reside out of this District, or remain continuously absent therefrom for the space of one year or more, the time of his absence shall not be deemed or taken as any part of the time limited for the commencement of such action. But a casual return, which is not open and notorious, shall not be deemed to alter the continuous absence of a party.

7. If a person entitled to bring an action, die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced by his representatives, after the expiration of that time, and within one year from his death. If a person against whom an action may be brought, die before the expiration of the time limited for the commencemennt thereof, and the cause of action survive, an action may be commenced against his executor or administrator, after the expiration of that time, and within one year after the issuing of letters testamentary, or of administration.

8. No acknowledgment or promise, in actions of contract, shall be evidence of a new or continuing contract, whereby to take a case out of the operation of the provisions of this chapter, or to deprive a party of the benefit thereof, unless such acknowledgment or promise is made or contained by or in some writing signed by the party chargeable thereby. But nothing in this section shall alter, take away, or lessen the effect of a payment of any principal or interest made by any person; but no indorsement or memorandum of any such payment, written or made upon a promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment is made, or purports to be made, shall be deemed sufficient proof of the payment, so as to take the case out of the provisions of this chapter.

9. If there are two or more joint contractors or debtors, or joint executors or administrators, of a contractor or debtor, no one of them shall lose the benefit of the provisions of this chapter, so as to be chargeable by reason only of an acknowledgment or promise made or signed, or by a payment made by any other or others of them. But, in such case, if it appears on the trial, or otherwise, that the plaintiff is barred by the provisions of this chapter, as to one or more of the defendants, but is

entitled to recover against any other or others of them, by virtue of a new acknowledgment or promise, or otherwise judgment shall be given for the plaintiff as to the defendants, against whom he is entitled to recover, and for the other defendant or defendants against the plaintiff.

10. If in an action of contract, the defendant pleads in abatement that any other person ought to have been jointly sued, and issue is joined thereon, and if it appear that the action was, by reason of the provisions of this chapter, barred against the person so named, the issue shall be found for the plaintiff.

11. The provisions of this chapter shall apply to the case of any debt founded on contract, alleged by way of set-off on the part of a defendant; and the time of limitation of such debt shall be computed in like manner as if an action had been commenced therefor at the time when the plaintiff's action was commenced.

12. If a person liable to any action fraudulently conceals the cause of such action from the knowledge of the person entitled thereto, the action may be commenced, at any time within the period limited hereinbefore for bringing the same, after the person entitled to bring the same discovers that he has such cause of action, and not afterwards.

13. When a right exists, but a demand is necessary to entitle the party to an action, the limitation commences from the time the plaintiff's right to make the demand was completed, and not from the date of the demand.

14. When a right of action or injury arises from the act or omission of a deputy, agent, or other person, who is responsible over to the party sued, the time for the limitation of an action by the principal or other person does not commence to run until the liability of the principal for the act or omission is ascertained by suit of the aggrieved party against such principal or other person: *Provided*, That said principal or other person shall not have waived the statute of limitations by any acknowledgment or new promise: *And provided further*, That if said deputy, agent, or other person, who is responsible over to the person sued, shall, either before suit brought or at any time, as long as the statute of limitations would be a proper and sufficient plea, request in writing the principal or other person sued, to plead the said statute, and the same shall be so done.

CHAPTER III—ABATEMENT OF ACTIONS.

1. Actions not to abate by death.
2. Nor marriage or other disability.
3. Joint plaintiffs.
4. Joint defendants.
5. New parties.
6. Executor, &c., may voluntarily appear.
7. Proceedings in case of.
8. Pleading of predecessor.
9. When cestui-que-trust may defend.
10. Decisions upon pleas final.
11. Parol demurrer.

1. No rights of civil action, whether founded on wrongs or contracts, except actions for wrongs affecting the character of the plaintiff, shall be abated by the death of either party, but shall survive to, and may be continued by, the proper representatives of the deceased party.

2. No action shall abate by the marriage or other disability of either party, or by the transfer of any interest therein, if the cause of action survive or continue.

3. Where there are two or more joint plaintiffs, and one or more die, either before or after action commenced, the representative of the party deceased shall be a proper party plaintiff.

4. Where there are two or more joint, or joint and several defendants, and one or more die, either before or after action commenced, the representative of the party deceased shall be a proper party defendant.

5. In all cases where a new party is made to an action, the costs which accrued before such new party was made shall be taxed as part of the costs in such action, and the judgment rendered shall be the same as if the action had been originally commenced between the persons who are made the parties to such action: *Provided*, That no person who is made a new party to such action, in a representative character, shall be burdened with debts, damages, or costs, further than property or assets have descended or come to his hands.

6. In case of death, marriage, or other disability, after suggestion of the same on the record, the proper representative or husband of the party may appear and be substituted in the place of the decedent.

7. At any time after the death, marriage, or other disability of a party plaintiff or defendant, and suggestion on record of the same, the court in which an action is pending, either before or after judgment, upon application of any other party to the action, shall order a writ of summons to issue to the proper party to appear in such action within the time allowed defendants to appear and defend; and if any person, being summoned as aforesaid, shall refuse or neglect to appear to such action within the time mentioned in said summons, the court may, upon being satisfied that the person so summoned is the proper person to prosecute or defend such action, cause the appearance of such person to be entered, and there shall be the same proceedings therein as if such person had voluntarily appeared; and all the proceedings had before the death, marriage, or other disability of the party, shall be considered as proceedings in the action; and such further proceedings shall be had as if the new party were the original party to the action. This section shall also apply where the proper person, necessary to be made party to such suit or action, resides out of this District; and upon return of "not to be found" on the summons, the court shall order publication against said party, as in other cases. This section shall also be applicable to cases where any new party shall die, marry, or become otherwise disabled.

8. Any new party to any action may use and rely upon any pleadings put in by his predecessor in such action, or shall have the same right to amend the pleadings or proceedings in such action as if he had been an original party.

9. Where a suit is commenced in the name of one person as trustee, or under a contract made for the benefit of another, or as guardian, or under a statute, and the nominal plaintiff dies, the suit, in the discretion of the court, may be prosecuted, without revivor, as if the death had not happened.

10. Decisions of a justice of either court, upon pleas in abatement, or on motions to dismiss for defect of form in process, shall be final on the question raised.

11. Parol demurrer is hereby abolished.

CHAPTER IV.—ACTIONS BY HUSBANDS, ETC., FOR DEATH OF WIFE, ETC.

1. When action maintainable.
2. How brought.
3. For whom brought.
4. Construction.

1. Whenever the death of a person shall be caused by the wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action, and recover damages in respect thereof, the person who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death shall have been caused under such circumstances as amount in law to felony.

2. Every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought in the name of the United States, for the use of the person entitled to damages; and in every such action, the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties, respectively, for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs, not recovered from the defendant, shall be divided among the above-mentioned parties in such shares as the jury, by their verdict, shall find and direct: *Provided*, That no more than one action shall lie for and in respect of the same subject-matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of the deceased person: *And provided further*, That no verdict shall be rendered for a greater amount than five thousand dollars.

3. In every such action, the equitable plaintiff on the record shall be required, together with the declaration, to deliver to the defendant, or his attorney, a full particular of the persons for whom and on whose behalf such action shall be brought.

4. The following words and expressions used in this chapter are intended to have the meaning hereby assigned them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject-matter: that is to say, the word "person" shall apply to bodies politic and corporate, and all corporations shall be responsible, under this chapter, for the wrongful acts, neglect, or default of all agents employed by them.

CHAPTER V.—PARTIES TO ACTIONS.

1. To be brought by real party in interest.
2. In case of executors, &c.
3. Assignment.
4. To be stated in declaration.
5. By married women.
6. Upon written instruments.
7. Plaintiffs, how added.
8. Misjoinder and non-joinder.
9. Sureties entitled to assignment.
10. Who may be joined as defendants.
11. Joint obligations, when made joint and several.
12. Failure as to one defendant not to prevent recovery against others.
13. Assignee when real plaintiff.
14. Assignee when entitled to execution.
15. Contribution.

1. Every personal action must be prosecuted in the name of the real party in interest at the time suit is brought, except as otherwise provided in the next following section; but this section shall not be deemed to authorize the assignment of a thing in action not arising out of con-

tract, express or implied; nor, if arising out of contract, unless the assignment be in writing.

2. An executor, administrator, guardian, trustee of an express trust, a person with whom or in whose name a contract is made for the benefit of another, or a person authorized by statute, may sue without joining with him the person for whose benefit the action is prosecuted.

3. In case of an assignment of a thing in action, the action by the assignee shall be without prejudice to any set-off or other defense existing at the time of or before notice of assignment; but this section shall not apply to negotiable instruments transferred or received in good faith, and upon good consideration.

4. When the action is brought in the name of the assignee, the declaration or other complaint shall disclose the plaintiff's title by assignment.

5. When a married woman is a party, her husband must be joined with her, except—

(1.) When the action concerns her separate property, she may sue alone.

(2.) When the action is between herself and her husband, she may sue or be sued alone. In no case need she prosecute or defend by a guardian or next friend.

When an infant is a party, he must appear by next friend or defend by guardian, who may be appointed by the court in which the action is prosecuted.

6. Suit may be brought by or against any parties to a written instrument, on which the action is founded, by the name and description used in the instrument: *Provided*, That no judgment shall be rendered against any party who shall not have been served with process.

7. Where two or more persons are jointly interested in any matter, the subject of an action, and if the consent of any one who should be joined as plaintiff cannot be obtained, the court may, in its discretion, upon indemnity being filed, order the name of the person so refusing to be added as plaintiff.

8. Either misjoinder or non-joinder of parties, plaintiff or defendant, may at any time before verdict, or before judgment where there is no verdict, be amended, in the discretion of the court, by striking out names of parties improperly joined, or adding such persons as should be parties. Where new parties are added as plaintiffs, they must either signify their consent in writing, or their co-plaintiffs file an indemnity. In case of defendants, the writ of summons shall issue in the usual manner to bring parties into court, unless the new defendants voluntarily appear.

9. The surety in any bond or other obligation, or the indorser of any negotiable instrument, who shall pay or tender the money due thereon, shall be entitled to an assignment thereof; and may, by virtue of such assignment, maintain an action in his own name against the principal debtor, or cause himself, by recording the assignment in the cause, to be substituted as plaintiff in any cause then depending.

10. Persons, jointly or severally, or jointly and severally, liable in the same instrument, or by judgment, decree, or statute, may all, or any part of them, be sued in the same action; and judgments rendered against one or more persons, but less than the whole number so liable, shall not work an extinguishment or merger of the cause of action on which such judgment may have been rendered, as respects the liability of those persons not bound by such judgment; and they shall remain liable, as if their original responsibility had been joint and several: *Provided*, But one satisfaction of the debt or demand shall be made. All makers and

indorsers and sureties of negotiable paper may be joined in the same suit.

11. All joint obligations and promises are made joint and several, unless the parties expressly stipulate that they shall "not be joint and several;" and the debt or obligation shall survive against the heirs and personal representatives of deceased obligors as well as against the survivors; and suits may be brought and prosecuted on the same against all or any part of the representatives of deceased obligors, as if such obligations and promises were joint and several.

12. In all actions on contracts, a dismission of suit as to one or more of those jointly sued, or failure to recover as to one, shall not prevent recovery against those defendants who may be liable.

13. Where any cause of action shall be assigned after suit brought, the assignee who shall have filed in the cause the assignment shall be deemed the real plaintiff, and may prosecute to judgment and execution as if he had originally instituted the same: *Provided*, That the original plaintiff shall not be relieved from any cross-action, set-off, defense, or costs, which shall have accrued against him prior to the filing of said assignment.

14. Where any person shall recover a judgment against the principal debtor and surety or indorser, and the judgment shall be satisfied by the surety or indorser, the creditor shall assign the same to the surety or indorser; and such assignment being filed in the cause in which the judgment was rendered, the assignee shall be entitled to execution in his own name against the principal.

15. Where a judgment shall be rendered against two or more joint sureties, joint obligors, or joint indorsers, and one of them shall satisfy the whole, the plaintiff shall be obliged to assign such judgment to the surety satisfying the same, who shall be entitled, on motion to the court, to execution against the other sureties, obligors, or indorsers in the judgment, for a proportionate part of the debt or damages paid by such assignee: *Provided*, That no defendant shall be precluded from showing any defense arising after judgment, or debarred from any equitable course or proceeding.

CHAPTER VI.—WRIT OF SUMMONS.

1. Actions, how begun—when deemed commenced.
2. Clerk to indorse, &c.
3. To issue writ, &c.
4. Form of writ.
5. Substitute.
6. Renewal of.
7. Duration of.
8. By whom to be served.
9. How served.
10. When served on one of several defendants.
11. When served on all defendants.
12. When defendant is omitted, may be subsequently sued.
13. Proof of service.
14. Written acknowledgment.

1. Every civil action at law shall be begun by filing in the clerk's office a declaration, libel of information, bill, or petition, as may be appropriate; or in case of appeal from a justice of the peace, the justice's papers and copy of docket entries. The action shall be deemed to be commenced from the time of issuing the summons; but, as to those against whom publication is made, from the time of the first publication.

2. The clerk shall indorse on said declaration, libel, bill, petition, or other complaint, the day, month, and year the same is filed, and imme-

diately enter the case upon the proper docket, in the order of filing, and number it accordingly.

3. The clerk shall thereupon issue a writ of summons, (the original of which shall be returned into the clerk's office,) and one copy thereof for each of the defendants to be served with process; to each summons to be served on defendants shall be attached a copy of the declaration, or other complaint, and affidavit, if filed, verifying the same.

4. The writ of summons for compelling the defendant's appearance shall be in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

—— ——, plaintiff . } At law, No. ——.
—— ——, defendant . }

The President of the United States to the defendant , greeting:

You are hereby commanded to appear in this court on the first day of its special term, occurring twenty days after service of this writ on you, to answer the plaintiff's suit, and show why judgment should not be entered against you for the cause of action stated in the above suit.

Witness: —— ——, *Chief Justice.*

——————, *Clerk.*

NOTE.—The special terms of the court commence on the first Tuesday of every month, except August, in which month there is no term of the court.

5. If the said original writ of summons be lost, mislaid, or destroyed, upon certificate to that effect of the marshal or other officer in whose possession the same last was, the clerk shall issue another writ, as substitute, bearing the word "substitute," and the same date as the original writ, and continuing in force only for such period during which the original writ would have been in force.

6. But if any defendant therein may not have been served therewith, the original or substituted writ of summons may be renewed at any time, at the pleasure of the plaintiff. The defendant may at any time enter a voluntary appearance, which shall be equivalent to personal service of the summons upon him.

7. No writ of summons shall be in force for more than six months from the day of the date, including the day of such date; on or before the expiration of which time the same shall be returned, with the copies issued, into the office of the clerk, by the officer who has possession of the same.

8. The writ of summons shall be served by the marshal of this District, or, if he be interested in the suit, by the coroner; or if they both be interested, by a person appointed by the court. The marshal shall, within three days after service, indorse on the original writ of summons the certificate of service, and return the same to the office of the clerk from which the summons issued.

9. The summons shall be served by delivering a copy thereof, and of the declaration or other complaint, as follows:

In actions against a corporation, to the president or other head of the corporation, secretary, cashier, treasurer, a director, or managing agent thereof.

In actions against foreign corporations doing business in the District of Columbia, to the agent of such corporation, or person conducting its business aforesaid, or in case he is absent and cannot be found, by leaving the same at its principal place of business in this District.

If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, or guardian; or if there be

none within this District, then to any person having the care and control of such minor, or with whom he shall reside, or in whose service he shall be employed.

If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a committee has been appointed, to such committee and to defendant personally.

In all other cases, to the defendant personally.

10. Where the action is against two or more defendants, either jointly indebted, or jointly and severally indebted upon contract, and the summons is served on one or more of them, but not on all of them, the plaintiff may proceed against the defendants served, in the same manner as if they were the only defendants, unless the court otherwise direct.

11. If all the defendants have been served, judgment may be taken against any or either of them severally, when the plaintiff is entitled to judgment against such defendant or defendants, for failure to appear and plead; and the plaintiff shall not be deemed thereby to have abandoned his action against the defendants who appear; but the plaintiff shall have only one satisfaction.

12. If any person, who is jointly indebted upon contract, shall, for any cause, have been omitted in any action in which judgment shall have passed against his co-defendants, the plaintiff, in case the judgment therein shall remain unsatisfied, may, by action, recover of such person separately, upon proving his just liability; but the plaintiff shall have only one satisfaction.

13. Proof of the service of the writ of summons, within this District, must be by certificate of the officer serving the same.

14. The written acknowledgment, indorsed on the process of the party to be served, shall be a sufficient service.

CHAPTER VII.—PUBLICATION.

1. In what cases.
2. Form.
3. How made.
4. When judgments may be suspended.
5. Admitting defense not to open judgments.
6. Proof of publication.
7. Service out of the District.
8. Sales to be valid.

1. Where the writ of summons has been issued, and returned "not to be found," if it appears from the proceedings that a cause of action exists against the defendant in respect to whom service is to be made, and that the case is one of those mentioned hereafter in this section, the court or justice may grant an order that service be made by publication:

(1.) In suits for real or personal property within this District.

(2.) In actions for divorce, in the cases prescribed by law.

(3.) In actions by attachment.

(4.) In actions for the foreclosure of mortgages and deeds of trust.

(5.) In actions for the enforcement of mechanics' liens, and all other liens or charges against real or personal property.

(6.) In all actions at law or in equity, which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand, to or against any real or personal property within this District.

2. When an order for publication shall be made, it shall be in the following or equivalent form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff, *vs.* C. D., defendant. } At law, (in equity,) No. —.

On motion of the plaintiff, by Mr. —— ——, his attorney, it is ordered, that the defendant cause his appearance to be entered herein on or before the first rule day occurring forty days after this day; otherwise the cause will be proceeded with as in case of default.

3. The order must direct the publication to be made in such newspaper or newspapers, to be designated, as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for three weeks. In case of publication, the court or justice must also direct a copy of the summons and bill, petition, declaration, information, or other complaint, to be forthwith deposited in the post-office by the marshal, directed to the person to be served at his place of residence, unless it appear that such residence is neither known to the party making the application, nor can with reasonable diligence be ascertained by him. When publication is ordered, personal service of a copy of the summons and bill, petition, declaration, information, or other complaint, by any marshal, sheriff, or their deputy, out of this District, is equivalent to publication and deposit in the post-office.

4. The party against whom publication is ordered, or his representatives, on application and sufficient cause shown at any time before judgment, must be allowed to defend the action; and, except in actions for divorce, the party against whom publication is ordered, or his representatives, may, in like manner, upon good cause shown, be allowed to defend after judgment or decree, or at any time within one year after notice thereof, and within three years after its rendition, on such terms as may be just; and, if the defense be successful, and the judgment, or any part thereof, have been collected, or otherwise enforced, such restitution may thereupon be compelled as the court directs; but the title to property sold under such judgment to a purchaser in good faith shall not be thereby affected. The adverse party may, upon the motion to be allowed to defend, introduce counter affidavits or oral testimony to rebut the cause shown.

5. But admitting the party to defend after judgment shall not be deemed to open the judgment, nor to stay the proceedings upon execution issued.

6. Proof of service, in case of publication, may be by affidavit of the publisher, editor, proprietor, or any other person having knowledge of the fact, not a party to the suit, accompanied by a copy of the order as published; which affidavit shall state how many and at what times the order was inserted in the paper.

7. In case of service of summons out of this District, proof of service shall be by affidavit of the officer serving the same. Where service is made otherwise than by publication, the certificate, affidavit, or admission must state the time and place of publication.

8. All sales duly made in cases in which publication is substituted for personal service of process, shall be good and valid, and shall vest any purchaser with a perfect title.

CHAPTER VIII.—PLEADINGS IN GENERAL.

1. Division of actions.
2. Form of pleadings.
3. Striking out or amending.
4. What actions may be joined.
5. Actions by husband and wife.

1. There shall be only three divisions of personal actions at law:

(1.) Actions of contract, which shall include those heretofore known as actions of assumpsit, covenant, and debt, except for penalties.

(2.) Actions of tort, which shall include those heretofore known as actions of trespass, trespass on the case, trover, and all actions for penalties.

(3.) Actions of replevin.

2. In regard to the form and language of pleadings in general, no averment need be made which the law does not require to be proved; but the substantive facts necessary to constitute the cause of action shall be stated with substantial certainty and without unnecessary verbiage.

3. If any pleading be so framed as to prejudice, embarrass, or delay the fair trial of the action, the opposite party may apply to the court to strike out or amend such pleading, and the court shall make such order respecting the same, and also respecting the costs of the application, as such court shall see fit.

4. Causes of action at law, of the same division, provided they be by and against the same parties and in the same right, may be joined in the same suit. The court shall have power to prevent the trial of different causes of action together, if such trial would be inexpedient, and in such case the court may order separate records to be made up, and separate trial to be had.

5. In any action brought by a man and his wife for an injury done to the wife, in respect of which she is necessarily joined as co-plaintiff, it shall be lawful for the husband to add thereto claims in his own right: and separate actions brought in respect of such claims may be consolidated, if the court shall think fit: *Provided*, That in the case of the death of either plaintiff, such suit, so far only as relates to the causes of action, if any, which do not survive, shall abate.

CHAPTER IX.—AMENDMENTS.

1. Power of amendments.
2. When variance is not material.
3. Failure of proof.
4. Amendments of course.
5. Relief against mistakes, &c.
6. To disregard immaterial defects.
7. Pleading over after demurrer.
8. Causes cognizable in equity to be transferred.

1. No variance between the allegation in any pleading, process, return, or other proceeding in any civil action and the proof shall be deemed material, unless it have actually misled the adverse party, to his prejudice, in maintaining his action or defense upon the merits. Whenever it shall be alleged that a party has been so misled, that fact shall be proved to the satisfaction of the court, and in what he has been misled; and thereupon the court, at any time before verdict, may order the pleading, process, return, or other proceeding to be amended, upon such terms as shall be just, by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or by inserting other allegations material to the case, or striking out causes of action improper to be joined.

2. Where the variance is not material, as provided in the last section, the court may direct the fact to be found according to the evidence.

3. Where, however, the allegation of the cause of action or defense to which the proof is directed is unproved, not in some particular or particulars only, but in its scope and meaning, it shall not be deemed a case of variance, within the last two sections, but a failure of proof.

4. Any process, declaration, libel, information, or other complaint may be amended by the party, of course, without costs, and without prejudice to the proceedings already had, at any time before plea; and any subsequent pleading may be amended, of course, by the party filing the same, without costs and without prejudice to the proceedings already had, at any time before the pleading next subsequent thereto is filed. In such case a copy of the amended pleading must be served on the adverse party; but no party so amending shall be entitled to any delay in consequence thereof. The time in which the adverse party shall reply shall be counted from the date of the service of the copy of the amended pleading.

5. The court may, likewise, in its discretion, and upon such terms as may be just, allow any plea, answer, or reply, or other act to be done, after the time limited for its filing, or by an order enlarge such time; and may also, in its discretion, and upon such terms as may be just, at any time within the first thirty days of the next succeeding circuit court, relieve a party from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect, and may, within the time aforesaid, supply an omission in any proceeding; and whenever any proceeding taken by a party fails to conform in any respect to law, the court may, within the time aforesaid, in like manner, and upon like terms, permit an amendment of such proceeding, so as to make it conformable thereto.

6. The court shall, in every stage of an action, disregard any error or defect in the pleadings or proceedings, which shall not affect the substantial rights of the adverse party; and no judgment shall be reversed or affected by reason of such error or defect.

7. After the decision of a demurrer, either at a general or special term, the court may, in its discretion, if it appear that the demurrer was interposed in good faith, allow the party to plead over, upon such terms as may be just. If the demurrer be allowed, the court may allow such amendments, in its discretion, and upon such terms as may be just, for the purpose of determining in the existing suit the real question in controversy.

8. Whenever it shall be determined that any cause of action brought at law is not properly cognizable at law, but in equity, the court may, in its discretion, decline to give judgment against the plaintiff, and order that the said cause, together with whatever proceedings shall have been had, be transferred to the equity side of the court, where the said cause shall be continued, according to the regular course of equity proceeding; either party having the right to apply to the justice holding the special term for the trial of equity causes, for leave to file amended pleadings.

CHAPTER X.—DECLARATION.

1. What to state.
2. Assignment of breaches.
3. Common counts.
4. Bill of particulars.
5. Count annexed.
6. On written instruments.
7. Conditions, and breaches to be assigned in.
8. In actions of tort.
9. Notice to plead.

1. The declaration shall state the plaintiff's cause or causes of action. Each distinct cause of action shall be stated in a separate count.

2. One count only need be inserted for each cause of action, but any number of breaches may be assigned in each count; and, when the nature of the case requires it, breaches may be assigned in the alternative.

3. The common counts shall not be used unitedly, but each one of those counts may be used in the form hereinafter prescribed, when the natural import of its terms correctly describes the cause of action.

4. In actions of contract, when either of the common counts is used, the plaintiff shall file a bill of particulars with the declaration. The items in such bill shall be numbered consecutively, and it shall be deemed to be part of the record, and be pleaded to as such.

5. A count on an account annexed, in the form hereinafter prescribed, may be used in an action of contract, when one or more items are claimed, either of which would be correctly described by any one of the common counts, according to the natural import of its terms.

6. All written instruments, except policies of insurance, shall be declared on by setting out a copy, or such part as is relied on, or the legal effect thereof, with the proper averments to describe the cause of action. If the whole contract is not set out, a copy, or the original, as the court may direct, shall be filed, on motion of the adverse party. Where it may be necessary, the copy so filed shall, if the court so order, be part of the record, as if oyer had been granted of a deed declared on according to common law. No profert or excuse therefor need be inserted in a declaration. If the instrument relied on is lost or destroyed, or is not in the power of the party who relies on it, he shall state the substance of it, as nearly as he can, and the reason why a copy is not given.

7. When a bond or other conditional obligation, contract, or grant is declared on, the condition shall be deemed part of the obligation, contract, or grant, and shall be set forth. Breaches relied on shall be assigned in the declaration, and conditions precedent to the right of the party relying thereon shall be averred to have been performed, or his excuses for the non-performance thereof stated.

8. In actions of tort, for breaking and entering the plaintiff's close, the place of the alleged trespass shall be designated in the plaintiff's declaration by name, metes, and bounds, abuttals, or other proper description.

9. A notice to plead shall be subscribed to every declaration, in the following form:

The defendant is to plead hereto on or before the first special term of the court occurring twenty days after service hereof; otherwise, judgment.

P. Q., *Attorney for Plaintiff.*

Except this notice to plead, subscribed to the declaration, no rule to plead or demand of plea shall be necessary.

CHAPTER XI.—PLEAS.

1. Order of pleading.
2. To be signed.
3. When to plead.
4. Court may enlarge time of.
5. Special pleas—general issue abolished.
6. Defenses to be pleaded.
7. Pleading by several defendants.
8. To plead to bill of particulars.
9. Written instruments.
10. Payment and set-off.

1. The order of pleading shall be as heretofore:

(1.) To the jurisdiction.
(2.) To the disability of the plaintiff.
(3.) To the disability of the defendant. } Abatement.
(4.) To the declaration.
(5.) In bar.

2. Every pleading shall be signed by the party or by counsel, showing, in this way, whether the party appears in person or by attorney, and not by stating the fact in the body of pleading.

3. If the defendant appear, he shall demur, or plead and serve a copy of his pleading upon the opposite party, on or before the first day of the first special term of the court occurring twenty days after service of the process; otherwise the plaintiff may have judgment by default. And a copy of every plea and of every subsequent pleading shall be served, by the party filing it, on the opposite party or his attorney, at the time of filing it.

4. Upon application of either party, for good cause shown, the court may enlarge the time of pleading, and may excuse a failure to plead within the prescribed time.

5. Special pleas in bar, with absque hoc, as formerly used, and the general issue, in all except mixed actions, are abolished; and in place thereof the defendant shall file a plea or pleas, which shall set forth the true defense or defenses intended to be relied upon in avoidance of the action. Each plea may deny all or any particular material allegation of the declaration, or it may confess and avoid; and so as to the subsequent pleadings. No party shall be required to state evidence or to disclose the means by which he intends to prove his case.

6. No defense shall be relied upon which has not been pleaded; but the court may, in its discretion, allow, either before or during the trial, such additional pleas to be added, or pleas already filed to be amended, upon such terms as to it shall seem right. The court may, either before or during the trial, it its discretion, require the plaintiff to reply immediately thereto, and order the trial to proceed or continue; or order a juror to be withdrawn, and the cause postponed or continued.

7. Two or more defendants, making the same defense, may plead jointly or severally. No plea shall contain more than one substantive defense; but any number of defenses, not repugnant, may be separately pleaded.

8. In pleading to the common counts, and the count on an account annexed, the defendant shall plead specifically to every item contained in the bill of particulars or account annexed, but he may make one and the same allegation or denial concerning any number of items to which such allegation or denial is applicable, specifying the number of the items thus pleaded to together, when less than the whole. If the defendant denies that any item is due or payable, or that he owes the plaintiff, as alleged, he shall state the true defense, specifying whether some, and what part, or the whole of such item or demand is denied.

9. Written instruments, when relied on in a plea, or subsequent pleading, shall be set out, or copies or the originals shall be filed, in the manner prescribed for declarations. So when a conditional obligation, contract, or grant, is relied on in a plea or subsequent pleading, the condition shall be deemed a part of the instruments, and similar averments shall be required in pleading the same, in the manner prescribed for declarations.

10. Pleas of payment and set-off, and all other pleadings capable of being construed distributively, shall be taken distributively, and if issue is taken thereon, and so much thereof as shall be sufficient answer to part of the causes of action proved shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered; and for the plaintiff, in respect of so much of the causes of action as shall not be so answered.

CHAPTER XII.—SET-OFF.

1. What debts may be set off.
2. To be founded on judgment or contract.
3. When to have existed.
4. Set-off in case of assignment.
5. In case of bonds.
6. How demand shall be due.
7. No set-off after notice of assignment.
8. Against person for whom brought.
9. No set-off when debt acquired after death of plaintiff.
10. Executors, &c.
11. Plea to be as specific as declaration; to be governed by same rules.
12. When set-off is equal to debt.
13. When greater.
14. No discontinuance after set-off filed.
15. Judgments.

1. Mutual debts or demands between the parties to an action, or between the testator or intestate of both parties, or either party, may be set off against each other, whether the said debts or demands be of the same or a different nature.

2. No demand shall be set off, unless it be founded upon a judgment or upon a contract, but the contract may be either express or implied, and with or without a seal.

3. No demand shall be a set-off, unless it existed at the time of the commencement of the suit, and then belonged to the defendant, nor unless it is due to him in his own right, except as is hereinafter provided.

4. Any demand assigned to the defendant, with notice to the plaintiff of the assignment before the commencement of the action, may be set-off in like manner as if it had been originally payable to the defendant.

5. If the demand set off is founded on a bond or other contract having a penalty, the exact sum to be set off shall be stated, and no more shall be set off than the sum equitably due.

6. If there are several plaintiffs, the demand set off shall be due from all of them jointly; and if there are several defendants, the demand set off shall be due to all of them jointly, except when the person with whom any contract is made has a dormant partner, and a suit is brought on such contract by or against the partners jointly. Any demand due to or from the person with whom the contract was made may be set off in like manner as if such dormant partner had not been joined in the suit.

7. If the demand on which the action is brought has been assigned, and the defendant had notice of the assignment, he shall not set off any demand that he acquires against the original creditor after such notice.

8. When an action is brought by one person in trust, or for the use or benefit of another, the defendant may set off any demand against the person for whose use or benefit the action is brought, in like manner as if that person were the plaintiff in the suit.

9. In actions by executors and administrators, demands against their testators or intestates must have belonged to the defendant at the time of their death. When upon such a set-off against an executor or administrator, a balance is found due to the defendant, the judgment therefor, against the plaintiff, shall be in the same form and have the same effect as if the suit had been originally commenced by the defendant.

10. In suits brought by or against executors, administrators, or trustees, in their representative character, no demand shall be set off that is due to or from such executors, administrators, or trustees, in their own right.

11. When the defendant relies on a claim by way of set-off, he shall file a plea, entitling it a plea of set-off, which plea shall be as specific in setting out the same, as though an action had been brought thereon.

The subsequent pleadings, respecting the defendant's demand, shall be governed by the same rules as if an action were brought upon it; and the plaintiff shall be entitled to every ground of defense against it, of which he might have availed himself by plea or otherwise in an action brought against him.

12. If an amount is proved to be due on the set-off, equal to the amount due to the plaintiff, the court may award costs to either party, or dismiss the action without costs; and if the amount so proved is less than the sum due to the plaintiff, he shall have judgment for the balance.

13. If it appear that there is a balance due from the plaintiff to the defendant, judgment shall be rendered for the defendant for the amount thereof with his costs.

14. After a plea of set-off is filed, the plaintiff shall not be allowed to discontinue his action, unless by consent of the defendant.

15. Mutual judgments recovered in the supreme court of the District of Columbia, upon which execution may be issued, may be set off against each other, on motion of either party, and the court shall award execution for the balance found due against the party chargeable therewith.

CHAPTER XIII.—TENDER.

1. In cases.
2. How availed of.
3. Money to be brought into court.
4. Of chattels.

1. The payment or tender of payment of the whole sum due on any contract for the payment of money, although made after the money has become due and payable, may be alleged in a plea to an action subsequently brought, in like manner and with the like effect as if such payment or tender had been made at the time prescribed in the contract.

2. A tender, to any party entitled, or to his attorney, after an action is brought on a contract for the payment of money, of the whole sum due thereon, with legal costs incurred up to that time, may be availed of by way of defense, in the like manner as if it had been made before the commencement of the action. In case of acceptance thereof, the party so paying shall be entitled to a dismission of the cause of action for which the tender was made and accepted.

3. A plea of tender of money, or of a thing in action, shall be accompanied by a delivery of the money or thing in action to the clerk of the court.

4. If the tender be of other personal property, the plea shall aver a readiness to deliver it to the plaintiff, and judgment for the defendant upon the plea vests the title to the thing tendered in the plaintiff as against the defendant, subject to any claim the defendant may legally have for his trouble and expense in keeping it, subsequent to the tender, to be ascertained in the same suit.

CHAPTER XIV.—DEMURRER.

1. When allowable.
2. Special demurrer.
3. Party may demur and plead.
4. Pleading over after demurrer.
5. Form of.
6. Joinder.

1. Demurrers may be for the following causes, when it shall appear upon the face of the pleadings:

(1.) That the court has no jurisdiction of the person of the defendant, or the subject of the action.

(2.) That the plaintiff has not legal capacity to sue.

(3.) That there is another action pending between the same parties, for the same cause.

(4.) That there is defect of parties, plaintiff or defendant.

(5.) That several causes of action have been improperly joined.

(6.) That any pleading does not set forth sufficient ground of action, defense, or reply, as the case may be.

2. No pleading shall be deemed insufficient for any defect, which could heretofore only be objected to by special demurrer.

3. Either party may, by leave of the court, or a justice, plead and demur to the same pleading at the same time; and it shall be in the discretion of the court or a justice to direct which issue shall be first disposed of.

4. After the decision of a demurrer, either at a general or special term, the court shall, if it appear that the demurrer was interposed in good faith, allow the party to plead over upon such terms as may be just; and such pleading over shall not be deemed a waiver of the privilege of assigning the judgment on demurrer, as error in any appellate court.

5. The form of a demurrer shall be as follows, or to the like effect:

The defendant says that the declaration is bad in substance.

And in the margin thereof some substantial matter of law intended to be argued shall be stated; and a demurrer without such statement, or with a frivolous statement, may be set aside, and leave given to enter judgment as for want of plea by the justice holding the circuit court, if that court be in session; otherwise, to the justice holding the special term.

6. The form of joinder in demurrer shall be as follows, or to the like effect:

The plaintiff says that the declaration is good in substance.

CHAPTER XV.—REPLICATION AND SUBSEQUENT PLEADINGS.

1. Replication, when to be filed.
2. Several defenses.
3. Special replications to state defense.
4. Joinder of issue.
5. Defense after last pleading filed.
6. Same rule as to pleas.

1. After plea filed and served, the plantiff, if the plea contains new matter by way of avoidance or set-off, shall reply thereto by demurrer or otherwise, and after replication filed the defendant shall rejoin, and so on, till issue is joined, each within ten days after the last pleading filed, including the day of such filing; otherwise, the suit may be dismissed, or judgment taken by default, according as the failure is by the plaintiff or defendant.

2. The plaintiff in any action may plead in answer to the plea, or the subsequent pleading of the defendant, as many and several distinct matters as he shall deem necessary to sustain his action; and the defendant in any action may plead in answer to the declaration, or other subsequent pleading of the plaintiff, as many distinct and several matters as he shall deem necessary for his defense.

3. The general replication is, the plaintiff joins issue on the plea. A special replication, like the plea, shall set forth the true answer intended to be relied upon in avoidance of the plea, and a copy thereof served on the attorney of the adverse party.

4. The joinder in issue may be: "The plaintiff joins issue upon the defendant's first plea." "The defendant joins issue upon the plaintiff's replication in the first plea." And this form of joinder shall be deemed to be a denial of the substance of the pleading to which it relates, and an issue thereon; and in all cases where the plaintiff's pleading is in denial of the pleading of the defendant, or some part of it, the plaintiff may add a joinder of issue for the defendant.

5. If a matter of defense has arisen since the last pleading filed, the party, within ten days after it has so arisen, may plead the same instead of his former defense.

Form of such plea.

IN THE SUPREME COURT OF THE DIRTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff,
v.
C. D., defendant. } At law, No. —.

The defendant says that after the alleged claim accrued, and after the last pleading in this action, and within ten days now last passed, that is to say, on the —— of ——, 18—, the plaintiff by deed (or otherwise as the law may permit) released the defendant from the said alleged claim.

Unless the court or a judge otherwise order, the plea must be accompanied with an affidavit of the truth of it, which may be in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF —— 18—.

A. B., plaintiff,
v.
C. D., defendant. } At law, No. —.

The defendant makes oath and says that the plea hereunto annexed is true in substance and fact, and that the matter thereof arose within ten days next before the date hereof.

The plaintiff shall reply within five days after service of the plea upon him; and the defendant shall rejoin immediately after service of the replication; otherwise, judgment.

6. The rules hereinbefore set out in regard to pleas shall be applicable to the replications and subsequent pleadings.

CHAPTER XVI.—RE-PLEADER.

1. When.

1. If it appear at the trial that the pleadings have miscarried—that is, failed to raise material issues, on which may be decided the real questions in dispute between the parties—the court must then and there order them to be amended. If it does not appear at the trial, either party may afterward apply for a re-pleader; that is, that the pleadings may be begun afresh at the part which first miscarried.

CHAPTER XVII.—MOTIONS.

1. Enumerated motions.
2. Non-enumerated motions.
3. To be in writing.
4. Notice of, to be given in all cases.
5. Service.
6. How made.
7. When to be made on attorney.
8. By mail.

1. The following are enumerated motions, and shall be heard in the general term in the first instance:

(1.) Motions for new trial on bill of exceptions.

(2.) Applications for judgment on a special verdict.

(3.) Applications for judgment on a verdict taken subject to the opinion of the court.

(4.) Motions ordered by the justice holding a circuit court or special term to be heard in the general term in the first instance.

2. All other motions not enumerated in the preceding section are to be heard in the first instance, among which are:

(1.) Motions for new trial, other than on exceptions.

(2.) Motions in arrest of judgment.

(3.) Motions for judgment on demurrer.

(4.) Motions for judgment on issues agreed of fact or of law.

(5.) Motions for judgment, where the facts are stated in a special case for the opinion of the court.

(6.) Motions for judgment on the verdict of a jury.

(7.) Motions for judgment on trial by the court or referee.

(8.) Motions to set aside an inquisition.

(9.) Motions for special remedial writs, such as writs of quo warranto, mandamus, certiorari, supersedeas, &c.

(10.) Motions to set aside or vacate a judgment obtained by fraud, deceit, surprise, or irregularity.

The justice holding the special term may order any of these motions to be heard in the general term in the first instance.

3. Every motion shall be in writing, and contain a brief statement of the facts and objects of the motion, and shall be entered on the docket of the court, and shall, together with the papers on which it is founded, if made upon matters not already of record, be filed and preserved in the clerk's office; and if it relate to a cause depending in court, it shall be filed with the papers in such case, and numbered with the number of the same, and be noted on the docket.

4. No motion whatsoever, where an appearance has been entered, or plea has been filed, except such as may be made during the progress of a trial, shall be heard, unless written notice thereof be served on the opposite party or his attorney, together with a copy of the papers on which it is founded, (unless they be papers of record previously filed in the cause,) for at least two days before the time mentioned for hearing.

5. All notices of interlocutory motions may be served by a party, his agent or attorney, service of which shall be proved by affidavit of the party making service.

6. This service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows:

(1.) If upon an attorney, it may be made during his absence from his office, by leaving the paper with his clerk therein, or a person having charge thereof; or, when there is no person in the office, by leaving it, between the hours of eight in the morning and six in the evening, in a conspicuous place in the office; or if it be not open, so as to admit of such service, then by leaving it at the attorney's residence, with some person of suitable age and discretion.

(2.) If upon a party, it may be made by leaving the paper at his residence, between the hours of six in the morning and nine in the evening, with some person of suitable age and discretion.

7. But when a party shall have an attorney in the action, resident in this District, the service of papers shall be made upon the attorney, instead of the party.

8. Service of motions by mail may be made, where the person on whom it is be made resides out of this District. In all such cases such reasonable notice shall be given as will enable the person notified to attend.

CHAPTER XVIII.—BONDS AND UNDERTAKINGS IN LEGAL PROCEEDINGS.

1. Affidavit of surety.
2. Stipulation.
3. If not given, not to affect rights.
4. To be recorded.
5. Exceptions.
6. No dismissal for want of.

1. Whenever any bond or undertaking is filed in any legal proceeding, there shall be indorsed thereon an affidavit by the surety of his ability to pay the obligation assumed over and above all just liabilities.

2. In every bond or undertaking filed in any legal proceeding, there shall be a stipulation, by the principal and surety, that, in the event of judgment being rendered against the principal, damages on the said bond or undertaking may be assessed by the court in the same suit, and judgment rendered therefor against the principal and surety or their representatives: *Provided*, The party to be secured has caused a notice to be served by the marshal, at least twenty days before the day of trial, on the principal or surety, or their representatives, to appear and defend. And in all such cases where such notice shall have been duly served, the surety may appear, either as plaintiff or defendant, as may be proper, and plead and have all advantages as such.

3. But if the said notice shall not be given as aforesaid, it shall not affect his rights upon said bond or undertaking.

4. All such bonds or undertakings shall be recorded by the clerk in a book to be provided for that purpose, and the said record, in the event of the said bonds or undertakings being lost or mislaid, shall be competent evidence of their contents.

5. Any party claiming to be aggrieved by the insufficiency of any bond or undertaking filed in any legal proceedings, may, within ten days after notice of the filing of the same, except thereto, which exception shall be heard by the court, or any justice thereof in vacation.

6. No proceeding shall be dismissed or prejudiced for any insufficiency in any bond or undertaking, if the principal, or some person for him, shall cause a legal and sufficient bond or undertaking to be filed in such time and manner as the court shall direct.

CHAPTER XIX.—INTERROGATORIES.

1. When interrogatories may be filed.
2. Affidavit thereto.
3. Answers, when to be filed.
4. Form of answers.
5. Answers by corporations.
6. Documents, how protected from examination.
7. Not to criminate or disclose proof of.
8. Insufficient answers.
9. Neglect to answer.
10. May be read as evidence.

1. In actions at law, the plaintiff may, at any time after commencement of the action, and the defendent at any time after plea, and before the case is opened to the jury, file in the clerk's office interrogatories for the discovery of facts and documents material to the support or defense of the suit, to be answered on oath by the adverse party.

2. To such interrogatories there shall be annexed an affidavit of the interrogating party, or his attorney, to the effect that he has reason to believe that the party interrogating will derive some material benefit in the action from the discovery which he seeks, if the same be fairly made, and that the discovery is not sought for the purpose of delay.

3. Such interrogatories shall be answered, and the answers filed in the clerk's office, within ten days after the same are notified to the party interrogated, or his attorney, unless, upon cause shown, a different time

is fixed by the court. But a trial shall not be delayed for the reason that interrogatories have been filed, and the time allowed for answering the same has not elapsed, unless the court shall, upon cause shown, so order.

4. The answers shall be in writing, signed by the party and upon his oath. Each interrogatory shall be answered separately and fully. The party interrogated may introduce into his answer any matter relevant to the issue to which the interrogatory relates.

5. If the party to a suit is a corporation, the opposite party may examine the president, treasurer, clerk, or any director, or other officer thereof, in the same manner as if he were a party to the suit.

6. When any document, book, voucher, or other writing, called for by an interrogatory, contains matters not pertinent to the subject-matter of the action, the answer may so state, and that such part has been sealed up, or otherwise protected from examination; and thereupon such part shall not be inspected by the party interrogating, but such party may apply to the court, and obtain an order to have liberty to inspect the part so protected from examination, or so much thereof as the court shall find, on hearing the parties, or, if necessary, by inspecting the part so protected, was improperly withheld and concealed.

7. The party interrogated shall not be obliged to answer a question or produce a document, the answering or producing of which would tend to criminate himself, or to disclose the names of the witnesses by whom, or the manner in which, he proposed to prove his own case.

8. If an answer contains irrelevant matter, or is not full and clear, or if an interrogatory is not answered, and the party interrogated refuses to expunge or amend, or to answer a particular interrogatory, the court or justice may, on motion, order such irrelevant matter to be expunged, or such imperfect answer to be made full and clear, or such interrogatory to be answered within such time as may seem reasonable, and allow such costs as may be just.

9. If a party neglects or refuses to expunge, amend, or answer, according to the requisition of this chapter, the court may enter a nonsuit or default, as the case may require, and proceed thereon according to law.

10. The answer of each party to interrogatories filed, may be read at the trial as evidence at the instance of either party. The party interrogated may require that the whole of the answers upon any one subject-matter inquired of shall be read, if a part of them is read.

CHAPTER XX.—ADMISSION, PRODUCTION, AND INSPECTION OF DOCUMENTS, AND EXAMINATION OF PARTIES.

1. Admission of documents; form of notice to admit; form of admission.
2. Notice to produce documents.

1. Either party may call on the other party, by notice, to admit any document, saving all just exceptions. In case of neglect or refusal to admit, the cost of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge certify that the refusal to admit was reasonable; and no cost of proving any document shall be allowed, unless the omission to give notice is, in the opinion of the judge, a saving of expense.

The following shall be the form of a notice to admit:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

Take notice that the plaintiff (defendant) in this cause proposes to adduce in evidence, on the trial thereof, the several documents hereunder specified, and that the same may be inspected by the defendant, (plaintiff,) his attorney or agent, at ——, on the —— day of ——, 18—, between the hours of —— and ——; and that the said defendant (plaintiff) will be required to admit that such of said documents as are herein specified to be originals were respectively written, signed, or executed as they purport, respectively, to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered, respectively, saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated this —— day of ——, 18—.

——— ———,
Attorney for Plaintiff.

To Mr. ——— ———,
Attorney for Defendant.

ORIGINALS.

Description of documents.	Date.

COPIES.

Description of documents.	Date.	Original or duplicate served, sent, or delivered, when, how, and by whom.

If the party to whom the notice is addressed make the admission, it may be indorsed on or subscribed to the notice as follows:

I consent to make the admission required in the within notice.
(January ——, 18—.)

——— ———,
Plaintiff's (defendant's) Attorney or Agent.

I consent to admit the documents numbered 1, 2, 3, 4, in the within notice.
(January ——, 18—.)

If the admission be special, it may be made in a separate paper, as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

I do hereby, as the attorney (agent) for the above-mentioned defendant, (plaintiff,) agree to admit in evidence, on the trial of the cause, the paper writing hereto annexed, marked A, as and to be a true copy of (state of what, but more fully than in the notice;) and I do also hereby agree as such attorney, to admit in evidence, on such trial, the paper writing hereto annexed and marked B, as and to be a true copy, &c.

2. A party to an action at law, having in his possession or power books or writings containing evidence pertinent to the issue, may be required by order of the court to produce the same on the trial, on motion and due notice thereof being given, in cases and under circumstances

where parties might be compelled to produce the same by the ordinary rules of proceeding in chancery. The motion must be made in writing, filed in the cause, and it must set forth a descriptive list of the books and writings to be produced. If the court order the production of the books and writings specified in the motion, a copy of the order and list, made by the clerk and duly certified, shall be served on the party in question two days before the day on which he shall be required to produce the books and writings. It shall be deemed a compliance with the order to file the books and writings in the clerk's office by the time therein specified. On application of the party served with the notice to the court or to a judge in vacation, the time to comply with the order may be enlarged. If a plaintiff fail to comply with such order, the court may, on motion, give the like judgment for the defendant as in case of nonsuit. If a defendant fail to comply, the court may, on motion, give judgment against him by default.

3. Either party may, during the preparation of a suit, obtain leave, on application to the court or one of the justices, to inspect material documents in the hands of his opponent, or to examine him, so as to discover whether such documents exist. The leave specified in the last paragraph must be applied for, upon affidavit clearly showing the materiality of the expected disclosures or documents.

CHAPTER XXI.—JUDGMENTS BY DEFAULT.

1. When to be taken.
2. When declaration sworn to, plea must be sworn to.
3. Judgment to be final, when.
4. In action of tort.
5. Inquisition.

1. If the defendant, served with copies of the declaration, notice to plead, and summons, or where publication has been duly made and proved, shall fail to appear or plead, according to said notice or publication, a judgment by default for non-appearance or failure to plead may be entered against him at a term at which he was noticed to appear or plead, which judgment, where personal service has been made, may be set aside, in the discretion of the court, at any time within the first thirty days of the next succeeding term of the circuit court, upon good cause shown. The adverse party may, upon the motion to set aside the judgment, introduce counter affidavits, or oral testimony, to rebut the cause shown.

2. In any action arising on contract, if the plaintiff, or his agent, shall have filed, at the time of bringing his action, an affidavit verifying his declaration, and setting out the sum he claims to be due, exclusive of all set-offs and just grounds of defense, and the defendant shall have been served with copies of his declaration, and of said affidavit, he shall be entitled to a judgment for the amount so claimed, with interest and costs, unless the defendant shall file, along with his plea, an affidavit verifying his plea or pleas. And where the defendant shall have acknowledged, in his plea or pleas, his liability for a part of the plaintiff's claim, as aforesaid, the plaintiff, if he so elect, may have judgment entered in his favor for the amount so confessed to be due.

3. In cases not falling within the preceding section, judgment by default shall be final, if the plaintiff's cause of action can be liquidated merely by calculation. If the cause of action be an unliquidated sum of money, claimed upon a contract, or if the taking of an account, or the proof of any fact, be necessary to enable the court to give judgment,

or to carry the judgment into effect, the court, in its discretion, may take the account, or hear the proof, or may order a reference for that purpose, or order the damages to be assessed by a jury of inquiry.

4. If the cause of action be for a wrong unconnected with contract, the court shall award an inquiry, by the jury in attendance, of the amount claimed in the following cases:

(1.) If the defendant fail to plead to the declaration; that is, makes default.

(2.) If he acknowledge the plaintiff's demand to be just; that is, confesses judgment.

(3.) When his attorney declares that he has no instructions to say anything in answer to the plaintiff, or in defense of his client.

(4.) When a demurrer to the plaintiff's declaration is overruled, unless there be leave to plead over.

5. In executing such inquiry in the presence of the court, the jury need not draw up and sign and seal an inquisition, but shall merely ascertain the money payable by the defendant to the plaintiff, for the cause of action stated in the declaration; and their verdict shall be announced and made of record on the minutes of the court, in the same way as upon an issue joined.

CHAPTER XXII.—JUDGMENTS BY CONFESSION

1. How made.
2. Form.
3. When made.

1. Whenever a confession of judgment is made, by power of attorney or otherwise, the party confessing, at the time he executes such power of attorney, or confesses judgment, shall make affidavit that the debt is just, and that such confession is not made for the purpose of defrauding his creditors. The affidavit shall be filed.

2. The debt or cause of action shall be briefly stated in writing, to be filed and copied in the judgment. The confession shall operate as a release of errors.

3. Any person indebted, or against whom a cause of action exists, may personally appear in court, or in the clerk's office during vacation, and, with the assent of the creditor or person having such cause of action, confess judgment therefor, whereupon judgment shall be entered accordingly.

CHAPTER XXIII.—ISSUES AGREED.

1. When allowed as to facts; form.
2. As to law.
3 Special cases.

1. After return of service of the declaration and summons, if the parties to the action are agreed, as to any matter or matters of fact to be decided between them, they may state the same for trial in an issue in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——— 18—.

A. B., plaintiff,
vs.
C. D., defendant.
} At law, No. —.

The ——— ——— affirms, and the ——— ——— denies, that (here state the question or questions of fact to be tried.) And the court orders that the said question shall be tried by a jury.

The parties may agree in writing, if they please, that, upon the finding of the jury upon such issue, in the affirmative or negative, a sum of money fixed by them, or to be ascertained by the jury upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other, with or without costs; and judgment shall be entered accordingly, unless otherwise agreed, or unless the court or a justice shall otherwise order. The proceedings upon such issue shall be entered of record upon the minutes of the court, and the judgment shall have the same effect as any other judgment.

2. After service of the summons and declaration, and before judgment, the parties may, with the assent of the court, state any question of law in a special case, for the opinion of the court without any pleadings subsequent to the declaration. And they may agree in writing that, upon the decision of the question of law raised in the special case, judgment may be given, and execution issued against the losing party for a sum of money fixed by the parties, or to be ascertained by the court, or in such manner as the court shall direct. Upon the decision of every issue of fact or of law agreed, the successful party shall have judgment for costs, unless the agreement otherwise direct.

3. After issue joined, the parties may, by consent of the court, state the facts in a special case for the opinion of the court, and agree that a judgment shall be entered for the plaintiff or defendant by confession or *nolle prosequi*, immediately after the decision of the case, and judgment shall be entered accordingly.

CHAPTER XXIV.—NOTICE OF TRIAL AND OTHER PROCEEDINGS PRELIMINARY THERETO.

1. Issues of law.
2. Issues of fact.
3. Of law to be tried first.
4. Notice of trial.
5. Note of issue.
6. Calendar.
7. Consolidation of causes.
8. Frivolous pleadings.
9. Continuances.
10. Judgment for costs on continuance.

1. An issue of law arises upon a demurrer to the declaration, or other complaint, plea, replication, or subsequent pleading, or to some part thereof. Issues of law may be tried at a circuit court or at a special term.

2. An issue of fact arises—

(1.) Upon a material allegation in the declaration or other complaint controverted by the plea; or

(2.) Upon new matter in the plea controverted by the replication; or

(3.) Upon new matter in the replication, or other subsequent pleading, except an issue of law is joined thereon.

All issues of fact, triable by a jury or by the court, shall be tried before a single justice. When the trial is by jury, it shall be at a circuit court. When the trial is without a jury, it shall be at the circuit court or at a special term.

3. Where issues, both of law and of fact, arise upon different parts of the pleadings in the same action, the issue of law must be first tried, unless the court otherwise direct.

4. At any time after issued joined, and at least ten days before the sitting of the court at which the cause stands for judgment or trial, either party may give notice of trial.

Form of notice of trial.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

Between { A. B., plaintiff, *and* C. D., defendant. } At law, No.—.

Take notice, that the issue joined in this cause will be tried at the next term of this court.

P. Q., *Attorney for Plaintiff.*

To Mr. P. D., *Attorney for Defendant.*

5. The party giving the notice of trial shall furnish the clerk, at least four days before the sitting of the court, with a note of the issue containing—

(1.) The title of the action;

(2.) The names of the attorneys; and

(3.) The time when the last pleading was filed.

6. The clerk shall thereupon enter the cause upon a calendar, according to the date of the issue. Any case may, by consent of the parties or their counsel, be placed on the trial calendar at any time before the commencement of the trial term, or afterwards, with the assent of the court.

No case shall be continued on the trial calendar, after the term for which it was noticed for trial, without a new notice of trial and note of issue.

7. Before trial, separate actions brought by the same plaintiff against separate underwriters of the same risk or peril, or against makers and indorsers and acceptors of negotiable securities, or against joint and several obligors or covenantors, or cross-actions on matters of account, and the like, may be consolidated and tried together.

8. If a demurrer, plea, replication, or other pleadings be frivolous, the party prejudiced thereby, upon a previous notice of five days, may apply to the justice holding the special term for judgment thereon, and judgment may be given accordingly.

9. Any cause may be continued by consent of all parties, or on sufficient cause shown to the satisfaction of the court, by affidavit or otherwise. The court, in granting continuances, may impose terms upon the party at whose instance the cause has been continued, by making him pay costs or otherwise, as may best further the progress of the cause and the ends of justice.

10. If a continuance is granted on payment of costs the court shall enter judgment and award execution for such costs.

CHAPTER XXV.—DEPOSITIONS.

1. When depositions may be taken, and by whom.
2. When notice may be dispensed with.
3. Notice to parties in joint interest.
4. Attendance waiver of defect of notice.
5. Notice when testimony is taken in District.
6. In admiralty cases.
7. Notice, how served.
8. Depositions, how taken.
9. Depositions to be delivered into court.
10. By whom published.
11. When to be filed.
12. Notice of filing.
13. When depositions not to be used.
14. When may be used in a second suit.
15. Order of examination.
16. Parties not to suggest answers.
17. Compellable to testify as if in court.
18. Objections to form; objections to competency.
19. May be used by either party.
20. Character of officer taking, how certified.
21. Unimportant deviations to be disregarded.
22. Continuance in case depositions rejected.
23. Dedimus potestatem.

1. When the testimony of any person shall be necessary in any civil cause depending in any court of this District, who shall live outside of said District, or is bound on a voyage to sea, or is about to go out of the United States, or out of this District, before the time of trial, or is ancient or sick, or very infirm, the deposition of such person may be taken, de bene esse, before any justice or judge of any of the courts of the United States or the supreme court of this District, or before any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, or judge of a county court, or court of common pleas of any of the United States, or before any United States commissioner, or any clerk of the circuit and district courts of the United States, or supreme court of this District; or before any notary public, duly appointed in any State or Territory or this District; or before any commissioner or examiner in chancery of this District, not being of counsel or attorney to either of the parties, or interested in the event of the cause: *Provided*, That a notification in writing, from the magistrate or officer before whom the deposition is to be taken, to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on either the adverse party or his attorney, allowing reasonable time for their attendance after being notified.

2. But if it shall appear by affidavit that the witness to be examined is sick or very infirm, and his condition will not, in all probability, allow the notice herein provided for to be given prior to his decease, then any officer aforesaid, authorized to take the deposition, may proceed, in his discretion, to take the same, and shall attach to the deposition so taken the evidences of the condition of the witness, justifying his dispensing with notice; and the court, upon the trial of the cause, may, in its discretion, admit or reject the said deposition.

3. Where there are several plaintiffs, defendants, or parties, on either side, a notice served on either of the parties in joint interest shall be sufficient notice to others in the same joint interest.

4. If any person, against whom the deposition herein authorized to be taken is to be used in evidence, shall attend the taking of the same, either in person, or by agent or attorney, then such deposition shall be admitted in evidence, notwithstanding any defect in notice, and without proof of the same to the party, to attend the taking thereof.

5. If the witness is to be examined within this District, notice of not less than twenty-four hours shall be given before the time appointed for taking the deposition, unless, upon cause shown by affidavit, to be filed with the deposition, the officer shall appoint an earlier time.

6. In causes of admiralty and maritime jurisdiction, or other cases of seizure, when a libel shall be filed, in which an adverse party is not named, and depositions of persons, circumstanced as aforesaid, shall be taken before a claim be put in, the like notification, as aforesaid, shall be given to the person having the agency or possession of the property libelled, at the time of the capture or seizure of the same, if known to the libellant.

7. Notice in all cases may be served by delivering an attested copy thereof to the person to be notified, or by leaving the same at his place of abode, by the party proposing to take the testimony, his attorney or agent, and the service of which shall be verified by affidavit of the person serving the same. A copy of said notice and the affidavit of service shall be filed with the officer taking the deposition and attached to the same.

8. Every person deposing as aforesaid shall be carefully examined

and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the officer taking the deposition, or by the deponent, in his presence, or by some disinterested person; but if the deponent shall refuse to sign said deposition, then the officer shall sign the same.

9. The depositions so taken shall be retained by such officer until he deliver the same into the court for which they are taken, or sealed up and directed to such court. In either case there shall accompany the same a certificate of the reasons, as aforesaid, of their being taken, and of the notice given to the adverse party.

10. Depositions, after being filed, may be published by the clerk at the request of either party.

11. All depositions must be filed at least ten days before the time of trial, otherwise they shall be inadmissible.

12. Notice of the filing of depositions shall be given to the opposite party, who shall, within five days thereafter, enter all objections thereto for matters of form and insufficient notice; otherwise they will be deemed to have been waived.

13. Such testimony may be used on the trial, unless it shall appear, to the satisfaction of the court, that the witnesses are then within the District and able to attend court.

14. When the plaintiff in a suit discontinues it, or becomes nonsuit, and another suit is afterward commenced for the same cause, between the same parties, or their respective representatives, all depositions lawfully taken for the first suit may be used in the second in the same manner and subject to the same conditions and objections as if originally taken for the second suit, if the deposition has remained in the custody of the court, or the officer who took the same, from the termination of the first suit until the commencement of the second.

15. The party producing the witness shall be allowed first to examine him, either upon verbal or written interrogations, on all the points which he deems material. The adverse party may then examine him, either upon verbal or written interrogatories, after which either party may propose such further interrogatories as the case may require.

16. The party, his attorney, or any person who shall in any wise be interested in the event of the suit, shall not be permitted to dictate or suggest, write, or draw up any answers which may at any time be taken under this chapter, and all such shall be rejected by the court.

17. Any person may be compelled to appear and depose as aforesaid, in the same manner as to appear and testify in court.

18. All objections as to the form of interrogatories, and mode of examination, shall be made at the time of taking the deposition. All objections to the competency or credibility of the deponent, or to the propriety of any questions put to him, or of any answers made by him, may be made when the deposition is offered at the trial, in the same manner as if the witness were personally examined on the trial.

19. All depositions taken in pursuance of this chapter, and when admissible under its provisions, may be read by either party, on the trial of the cause, either in court or before referees.

20. Depositions taken pursuant to this chapter, by any judicial or other officer herein authorized to take the same, having a seal of office, shall be admitted in evidence upon the certificate and signature of such officer, under the seal of the court of which he is an officer, or his official seal, and no other or further act of authentication shall be necessary. If the officer taking the same have no official seal, the deposition, if not

taken in this District, shall be certified and signed by him, and shall be further authenticated, either by parol proof adduced in court, or by the official certificate and seal of any secretary or other officer of State, keeping the great seal thereof, or of the clerk or prothonotary of any court having a seal, attesting that such judicial or other officer was, at the time of taking the deposition, authorized to take the same, within the meaning of this chapter. But if the deposition be taken within this District by an officer having no seal, or within or without this District under a special commission, it shall be sufficiently authenticated by the signature of the officer or commissioner taking the same.

21. Unimportant deviations from any of the above directions shall not cause the depositions to be excluded, where no substantial prejudice could be wrought to the adverse party by such deviation.

22. Whenever any testimony, taken under the provisions of this chapter, is suppressed or rejected for any cause, the court before which the cause is pending may, in its discretion, continue the same.

23. Nothing contained in this chapter shall be construed to prevent the supreme court of this District from granting a dedimus protestatem to take depositions, according to common usage, when it may be necessary to prevent a failure or delay of justice, which power it shall possess.

CHAPTER XXVI.—TRIAL AND ITS INCIDENTS.

1. Trials may be separated.
2. Court to instruct as to law.
3. Law to be settled before argument; charge of court.
4. Instructions to be reduced to writing.
5. Disabled jurors.
6. Nonsuit.
7. Withdrawal of set-off.
8. Nonsuit when trial is by court.
9. General verdict applied to good counts.
10. Interlocutory orders.
11. Agreements of attorneys to be in writing.
12. Trial not to be delayed by exceptions taken.
13. Trial, when suspended.

1. If a trial of different causes of action, stated in the declaration together, be inexpedient, the court may try each, or as many of them separately, as may be deemed convenient or best. A separate trial between a plaintiff and any of the several defendants may be allowed by the court, whenever, in its opinion, justice will thereby be promoted.

2. The court, in charging the jury, shall instruct as to the law, in application to the facts to be found by the jury.

3. In all cases the law, if requested by either party, shall be settled before argument to the jury. But after argument of counsel to the jury, the court may, if it should see fit, modify or enlarge the instructions so given, or orally charge the jury upon the questions of law arising in the case.

4. Instructions to the jury, asked for by either party, may be required by the court to be first committed to writing.

5. If, after the jury is impaneled, and before verdict, a juror becomes sick, or otherwise disabled, so as to be unable to perform his duty, he may be discharged by the court; and, in such case, unless otherwise arranged by the parties, the vacancy may be filled, and the trial commenced anew, or the court may, in its discretion, order the jury to be discharged and a new one impaneled. In case of the disability of a juror or jurors, the cause may be tried and determined, by consent of the parties, by the remaining jurors.

6. The plaintiff may, at any time before verdict, take a nonsuit, or dismiss his action, as to any one or more defendants; but if the defendant has pleaded a set-off, he may elect to proceed on such set-off, in the character of a plaintiff.

7. The defendant may, in like manner, withdraw his set-off at any time before verdict.

8. If the trial is by the court, instead of the jury, the nonsuit or dismissal, provided for in the last two sections, shall be made before the cause is finally submitted to the court, and not afterward.

9. If any counts in a declaration are good, a verdict for entire damages shall be applied to such good counts.

10. The court may, in all cases, make such interlocutory orders in a cause as may be necessary and justice may require.

11. All agreements of attorneys, touching any suit or proceeding, shall be in writing; otherwise, they shall be of no validity.

12. The trial of questions of fact shall not be prevented or delayed by the filing or allowance of exceptions, but the court shall proceed to the determination of such questions as if exceptions had not been taken, and such further proceedings be had as the court orders.

13. During the trial of any action, the court may, in its discretion, for the purposes of justice, suspend the trial for any reasonable time.

CHAPTER XXVII.—TRIAL BY THE COURT.

1. Trial by jury, when waived.
2. Trial by court, when decision to be filed.
3. Exceptions.
4. Interlocutory trial by court.

1. Trial by jury may be waived by the several parties to an issue of fact in action on contract, and with the assent of the court; in other actions in the manner following:

(1.) By failing to appear at the trial.

(2.) By written consent, in person or by attorney, filed with the clerk.

(3.) By oral assent in open court, entered in the minutes.

2. Upon the trial of a question of fact by the court, its decision shall be given, at the request of either party, in writing, and shall contain a statement of the facts found and the conclusions of the law separately; and, upon a trial of an issue of law, the decision shall be made in the same manner, stating the conclusions of law. Such decision shall be filed with the clerk within twenty days after the court at which the trial took place, and judgment upon the decision shall be entered immediately. If, upon motion by either party to a general term of the court, it shall be made to appear that the decision is unreasonably delayed, the court may make an order absolute for a new trial, or may order a new trial, unless the decision shall be filed by a time to be specified in the order. The costs of the former trial shall abide the event of the new trial.

3. For the purposes of an appeal, either party may except to a decision on a matter of law, arising upon such trial, within five days after notice in writing of the judgment, in the same manner and with the same effect as upon a trial by jury. And either party desiring a review upon the evidence appearing on the trial, either of the questions of fact or of law, may, at any time within ten days after notice of the judgment, make a case or tender a bill of exceptions, in like manner as upon a trial by jury, except that the justice in settling the same must briefly specify the facts found by him, and his conclusions of law.

4. On a judgment for either the plaintiff or defendant, upon an issue of law, if taking of an account or the proof of any fact be necessary to enable the court to complete the judgment, the court may, in its discretion, take the account or hear the proof, or may order a reference for that purpose, or order the damages to be assessed by a jury of inquiry.

CHAPTER XXVIII.—TRIAL BY REFEREES.

1. Issues, when to be tried by referees.
2. When court may direct a reference.
3. Time of trial by referees.
4. To be conducted as trials by court.
5. Decision of referees.
6. Judgments thereon.
7. Parties may agree upon referee.
8. Justice not to act as referee.
9. When to report.

1. All or any of the issues in the action, whether of fact or of law, or both, may be referred, upon the written consent of the parties or their attorneys.

2. Where the parties do not consent, the court may, upon the application of either, or of its own motion, except where the investigation will require the decision of difficult questions of law, direct a reference in the following cases:

(1.) Where the trial of an issue of fact shall require the examination of a long account on either side; in which case, the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein; or

(2.) Where the taking of an account shall be necessary for the information of the court, before judgment, or for carrying a judgment or order into effect; or

(3.) Where a question of fact, other than upon the pleadings, shall arise upon motion, or otherwise, in any stage of the action.

3. At any time after a cause is referred, either party may request, in writing, the referee to appoint a time and place for the hearing, which shall be done without delay. Notice thereof, in writing, shall be served on the opposite party or his attorney, at least ten days before the time of trial.

4. The trial by referees shall be conducted in the same manner as a trial by the court.

5. The referees must state the facts found and the conclusions of law separately; and their decision must be given, and may be excepted to and received, in like manner, and with like effect, in all respects, as in cases of appeal from trial by the court; and they may, in like manner, settle a case or bills of exception.

6. The referees shall make a report to the court, which shall stand as the decision of the court, and judgment may be entered thereon in the same manner as if the action had been tried by the court. When the reference is to report the facts, the report shall have the effect of a special verdict.

7. In all cases of reference, the parties, as to whom issues are formed in the action, (except when the defendant is an infant or absentee,) may agree in writing upon a person or persons, not exceeding three, and a reference shall be ordered to him or them, and to no other person or persons. And if such parties do not agree, the court shall appoint one or more referees, not more than three, who shall be free from exception.

8. No justice of the court shall sit as referee in any action, unless the parties otherwise stipulate.

9. The referee or referees shall make and deliver a report, within thirty days from the time the action shall be finally submitted; and in default thereof, and before report is delivered, either party may serve notice upon the opposite party, that he elects to end the reference, and thereupon the action shall proceed, as though no reference had been ordered, and the referees shall not, in such case, be entitled to any fees.

CHAPTER XXIX.—BILL OF EXCEPTIONS.

1. Exceptions.
2. To be tendered within ten days after verdict.
3. To be drawn up by counsel tendering.
4. When not settled new trial to be granted

1. If a party proposes to have errors of law, in the rulings or instructions of the justice presiding, reviewed, either in the general term or in the Supreme Court of the United States, he must, at the trial, and before verdict, except to such rulings or instructions; and he may, at the time of taking exception, reduce the same to writing in a formal bill of exceptions, or the justice may enter the exception upon his minutes, and proceed with the trial, and afterward settle the bill of exceptions, which shall contain so much of the evidence as may be material to the questions to be raised.

2. If the final judgment is to be reviewed by proceedings in error or appeal, either in general term or in the Supreme Court of the United States, the bill of exceptions, if not settled and signed and sealed at the trial and before verdict, shall be tendered and filed by the party excepting, within ten days after verdict; otherwise, they will be deemed to have been waived.

3. Every bill of exceptions shall be drawn up by the counsel of the party tendering it, and settled by the counsel on the other side; and if they cannot agree, it shall be settled by the justice who presided at the trial; but if the justice disallows, or adds, or alters any statement in the bill of exceptions tendered, so that the same, as settled, shall not be conformable to truth, and either party is aggrieved, the truth of the exceptions tendered may be established before the court in general term, upon petition, setting forth the grievance, and thereupon, the truth thereof being established, the exceptions shall be heard, and the same proceedings had, as if they had been duly signed and sealed.

4. In case the justice, from illness or other cause, is unable to settle the bill of exceptions, and counsel cannot settle it by agreement, a new trial shall be granted.

CHAPTER XXX.—VERDICTS.

1. Form of verdicts.
2. Form of special verdict.
3. Form of verdict subject to the opinion of the court.
4. Verdict to be entered in the minutes.

1. A general verdict shall be recorded thus:

On their oath say, they find the issue aforesaid in favor of the plaintiff, and that the money payable to him by the defendant, by reason of the premises, is the sum of $——, besides costs.

If the action be founded on contract, the verdict shall proceed—

With lawful interest from the ——— day of ———, 18—.

Or, in the event of a higher lawful rate of interest being reserved by contract in writing, the verdict shall proceed—

With interest at the rate of —— per centum per annum, from the —— day of ———, 18—, besides costs.

If the verdict be for the defendant, then—

On their oaths say they find for the defendant,

Unless, upon set-off pleaded, a balance is found due the defendant, and then the verdict shall proceed—

And that the money payable to him by the plaintiff, by reason of the premises, is the sum of $——, with interest from the —— day of ———, 18—, besides costs.

In replevin, if the jury find for the defendant, the verdict shall say:

And assess his damages, by reason of the premises, at $——, besides costs.

If there be several counts in the declaration, and the jury find for the plaintiff on some and for the defendant on the rest, the verdict shall be entered thus:

On their oath say they find for the plaintiff on the first, second, and fourth issues, and that the money payable to him by the defendant, by reason thereof, is the sum of $——, (with interest from the —— day of ———, 18—,) besides costs; and for the defendant on the third, fifth, and sixth issues.

2. In every action, the parties may elect, or the court may direct, the jury to find a special verdict, in writing, upon all or any of the issues; in which case the jury shall state all the facts, as they find them proved with certainty and precision, and then add:

But they are ignorant, in point of law, on which side they ought, upon these facts, to find the issue; and if, upon the whole matter, the court shall be of opinion that the issue is proved for the plaintiff, they find for the plaintiff accordingly; and that the money payable to him by the defendant is the sum of $——, (with interest from the —— day of ———, 18—,) besides costs; but if the court be of an opposite opinion, then they find for the defendant.

All which shall be entered upon the minutes of the court, and constitute part of the record of the cause.

3. When a verdict is taken, subject to the opinion of the court, it shall be entered as follows:

Upon their oath say, they find in favor of the plaintiff, and that the money payable to him by the defendant is the sum of $——, (with interest from the —— day of ———, 18—,) besides costs. If the court be of the opinion that he ought to recover against the defendant, upon the facts submitted to us upon the trial, which facts are as follows: (State the facts found by the jury.) But upon these facts, if it be the opinion of the court that the plaintiff ought not to recover against the defendant, then we find in favor of the defendant.

4. Upon receiving a verdict, the clerk shall make an entry in his minutes, specifying the time of the trial, the names of the jurors, the verdict, and either the judgment rendered thereon, or an order that the cause be reserved for argument or further consideration. If a different direction be not given by the court, the clerk shall enter judgment in conformity with the verdict.

CHAPTER XXXI.—MOTIONS FOR NEW TRIAL.

1. Causes for new trials.
2. Motions to be in writing.
3. To be made within four days.
4. On exceptions not to stay execution—on other causes to stay execution.
5. Motions for new trial on exceptions, insufficient evidence, or excessive damages.
6. When motion for new trial to be made in first instance at general term.
7. Motion in what cases to be entered on minutes of justice.
8. Motions not decided to be overruled.

1. A verdict may be set aside and a new trial granted—

(1.) For errors of law by the justice presiding, in his rulings during the trial, or in his instructions to the jury.

(2.) Because the evidence is insufficient to support the verdict.

(3.) Because the damages assessed by the jury are excessive.

(4.) Because the party moving for the new trial had no notice, and did not appear at the trial.

(5.) For misbehavior of the successful party.

(6.) For misbehavior of the jury.

(7.) Because the verdict is unreasonable or uncertain.

(8.) Because the verdict was obtained by surprise.

(9.) Because a new and material fact, unknown at the time of the trial, and not ascertainable by reasonable diligence by the party moving, has come to light since the trial, and the like.

2. Every motion for a new trial shall be in writing, and shall state in separate paragraphs, successively numbered, the grounds upon which it is based; and it shall be entered upon the minutes of the court on the day it is presented to the court.

3. All motions for new trial shall be made within four days after verdict.

4. Motions for new trials on bills of exception shall not suspend the entering of judgment, or the issuing and levy of execution; but a stay of execution shall be entered, if the party making the motion shall, within twenty days after judgment, execute and file in the cause an undertaking, with one or more sureties, to be approved by the court or a justice, in the form provided for in cases of appeals.

No motion for new trial for any other cause shall suspend the entering of judgment or issuing execution, but execution shall not be levied until the determination of the same.

5. The justice who tries the cause may, in his discretion, entertain a motion, to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions, or for insufficient evidence, or for excessive damages: *Provided*, That such motion be made at the same term or circuit at which the trial was had. When such motion is made and heard upon the minutes, an appeal to the general term may be taken from the decision; in which case, a bill of exceptions, or case, shall be settled in the usual manner.

6. A motion for a new trial on a case, or bill of exceptions, and an application for judgment on a special verdict, or a verdict taken subject to the opinion of the court, shall be heard in the first instance at a general term.

7. No appeal to the general term shall be allowed on any motion for new trial, except the same be upon exceptions entered on the minutes of the justice, or for insufficient evidence, or for excessive damages.

8. All motions for new trials, not heard and decided at the term at which the same shall have been made, shall be deemed to have been overruled, and shall be so entered on the proceedings of the last day of the term, unless the motion, by special order of the court, has been continued to the succeeding term.

CHAPTER XXXII.—ARREST OF JUDGMENT.

1. When to move in arrest.
2. When judgment shall not be arrested.

1. If, notwithstanding the reasons shown for suspending the judgment by granting a new trial, the court decide that the verdict shall stand, then the party may move in arrest of judgment.

2. A judgment shall not be arrested for any cause existing before ver-

dict, unless the same affects the jurisdiction of the court. And when the defendant has appeared and answered to the merits of the action, no defect in the writ or other process, by which he has been brought before the court, or in the service thereof, shall be deemed to affect the jurisdiction of the court.

CHAPTER XXXIII.—JUDGMENTS.

1. Judgments against one of several parties.
2. To be for amount payable.
3. Entered under direction of the court.
4. Proceedings against personal representatives.
5. When judgment need not be revised.
6. To be lien on legal and equitable interests.
7. When to bind.
8. Priorities.
9. To carry interest.
10. When to be recorded.

1. Judgments may be given for or against one or more of several plaintiffs, or for or against one or more several defendants. They may, in appropriate cases, be given against one or more of several plaintiffs or defendants, leaving the action to proceed against the others.

2. Judgments shall not be entered for the damages claimed in the declaration, but for the amount only which each party shall be adjudged to pay.

3. Upon trial of issues of law or fact by the court or referee, judgment shall be entered, upon the direction of the court, or report of referees, subject to review at the general term, as hereinbefore provided.

4. If there are more defendants than one, and any of them die after judgment, leaving a co-defendant or co-defendants surviving, the plaintiff may proceed by execution against the survivor, or revive by scire facias, or by motion to the court, with personal notice against any portion or all of the personal representatives of the deceased, or heirs, or terretenants, unless he or they may be absent, or non-resident, or cannot be found to make such service; in which case such service may be made by publication, or in such other manner as the court shall direct.

5. It shall not be necessary to issue scire facias to revive judgments or decrees, on which execution has not issued within a year and a day from their date, but execution may be sued out at any time while the judgment or decree is in force.

6. All judgments and decrees heretofore or hereafter rendered by the supreme court of this District shall, from the time the same were rendered, be a lien on the legal and equitable interests of the debtor in and to any real estate within this District.

7. A judgment given, where the amount is to be ascertained, shall bind from the time of its entry, if the amount be ascertained before the end of the term at which the judgment is given; but, otherwise, only from the time of ascertaining the amount.

8. If several judgments be entered against the same person on the same day, they shall stand equal as to priority. If, where there are several judgments against the same person, it does not appear by the entries which was first entered, they shall have priority according to the priority of the dates of the suits in which they are respectively given.

9. All judgments, unless a different time shall be named therein, shall be so entered as to carry interest from the time they were rendered.

10. Where a party to a cause requires it in writing, the clerk shall enter, into a well-bound book provided for that purpose, a complete copy of the record in such cause at the cost of the party so requiring it. If neither party require it no such copy shall be made.

CHAPTER XXXIV.—EXECUTIONS.

1. When issuable.
2. When returnable.
3. Writs of fieri facias and attachment one writ.
4. Forms of.
5. Against the body.
6. Execution in cases other than for payment of money.
7. To sell legal and equitable interest.
8. Purchaser.
9. Coin and currency.
10. Negotiable securities.
11. Stocks.
12. Things in action.
13. Real estate.
14. Advertisement of real estate.
15. Advertisement of personal property.
16. Postponement of sale.
17. Omission of notice not to affect sale.
18. Personal property to be present when sold.
19. Defaulting purchasers.
20. Second levy.
21. Second execution.
22. Overplus to be paid debtor.
23. When publication is made, proceeds of sale not to be paid over without security.
24. Death of debtor not to affect execution.
25. No supersedeas.

1. Execution may be issued immediately upon the rendition of judgment.

2. All executions shall be made returnable on or before the first special term of the court occurring sixty days from their date.

3. Writs of fieri facias, and writs of attachment on judgment, are hereby consolidated, and may be enforced concurrently by one writ; but there shall be only one satisfaction. And the same proceedings against garnishees in attachment on judgment shall be had as are provided for against garnishees in the chapter on attachments.

4. The forms of executions shall be the same as heretofore established by law and the usage and practice of the courts, except so far as is herein otherwise provided. Alterations in the forms may, from time to time, be made or allowed by the courts, when necessary to adapt them to changes in the law, or for other sufficient reasons.

5. No execution against the body shall be issued while an execution against the property remains unreturned, nor shall an execution against the property be issued while there is an execution against the body unreturned. But no execution shall be issued upon any judgment against the body of a judgment debtor, except where it is so expressly provided by law.

6. When a judgment requires the performance of any act other than the payment of money, or delivery of real or personal property, a certified copy of the judgment may be served on the party against whom it is given, or upon the person or officer who is required thereby, or by law, to obey the same, and his obedience thereto enforced; if he refuse, he may be punished by the court, as for contempt.

7. The marshal, or other officer to whom any execution may be directed, may seize and expose to sale any legal or equitable estate or interest which the debtor named in such writ may have or hold in any lands, tenements, or hereditaments.

8. Any person who shall purchase any equitable estate or interest in any lands, tenements, or hereditaments, which may be sold under the preceding section, shall be entitled, upon payment of the purchase-money, to any assignment or conveyance of such legal or equitable interest, to be made by the marshal or other officer making such sale: *Provided*, That nothing herein shall be construed to prevent a creditor from also filing his bill in equity, to ascertain and sell said equitable interest.

9. Current coin, and all such currency that the laws of the United States declare, shall be received in payment of debts, may be levied upon and retained on execution, without sale, as so much money collected.

10. Foreign coin and bills, notes, drafts, checks, and bonds, or other evidences of debt, issued by any corporation, company, individual, or bank, or by any State or Territory, or by the United States, and capable of transfer by delivery, may be levied upon as personal property, and sold on execution.

11. Shares of stock in any corporation or company may be levied upon and sold, when the office and books, showing the shares of stock and stockholders of the corporation or company, are kept in this District; and the marshal shall transfer the stock, subject to the rights of the corporation or company. The marshal shall have access to the books of any such corporation or company for the purpose of making the levy, and if refused access, the court in term, or any justice thereof in vacation, shall enforce the right, and may proceed against any person so refusing as for contempt. The shares of stock, subject to be levied upon, shall be bound by the execution from the time of the levy; and when such levy is made, the marshal shall leave the notice with the officers of the corporation or company, and such levy shall constitute a lien upon such stock from the time of such levy.

12. Any debt or thing in action, legally or equitably assignable, may be levied on, when given up by the defendant, and sold on execution in the same manner as other personal property. The marshal making the sale of any such debt, or thing in action, shall assign and deliver the same to the purchaser, and the assignment shall have the same effect as if made by the execution defendant at the time of making the levy thereon, and shall be treated as so made.

13. Real estate taken by virtue of any execution shall be sold at public auction at the door of the court-house; and if the estate shall consist of several lots, tracts, and parcels, each shall be offered separately; and no more of any real estate shall be offered for sale than shall be necessary to satisfy the execution, unless the same is not susceptible of division.

14. The time and place of making sale of real estate on execution shall be publicly advertised by the marshal, for at least twenty days successively next before the day of sale, by posting up written or printed notice thereof at the door of the court-house, and also by advertising the same at least once a week, for three weeks successively, in one or more newspapers published in this District.

15. Previous notice of the time and place of the sale of any personal property on execution shall be given, for ten days successively, by posting up a written or printed notice thereof at the place where the sale is to be made, and also by advertising the same in some newspaper published in this District, said advertisement to be inserted at least three times, and the first insertion to be at least ten days before the day of sale: *Provided, however*, If the property be perishable, only such notice of the time and place of sale shall be given as may be reasonable, considering the character and condition of the property.

16. If, at the time appointed for the sale, the marshal or other officer shall deem it expedient, and for the interest of all parties concerned, to postpone a sale for want of purchasers, he may postpone it for any time not exceeding ten days, and so from time to time, for such cause, until the sale shall be completed, giving notice of every such adjournment, by a public declaration thereof, at the time and place previously appointed for a sale, and also by an advertisement inserted in some newspaper of this District, three days at least prior to such adjourned sale.

17. An omission by the marshal to give the notice of sale required by

law, shall not affect the validity of any sale made to a purchaser in good faith without notice of such omission.

18. Personal property capable of manual delivery shall not be sold, unless the same shall be present and subject to the view of those attending the sale; and it shall be sold at public auction, in such lots and parcels as shall be calculated to bring the highest price.

19. Whenever the purchaser of any property sold on execution shall fail or refuse to pay the purchase-money, he shall be liable, on motion to be made by the marshal or the execution plaintiff, in the proper court, five days' notice being given, to a judgment for the amount of the purchase-money, and damages not exceeding ten per cent. and interest, with costs; or the marshal may re-expose and sell the property on the same or any subsequent day, according to law; and if the amount bid at the second sale shall not equal the amount bid at the first sale, and the costs of the second sale, the first purchaser shall be liable for the deficiency, and damages thereon not exceeding ten per cent., and interest and costs, to be recovered by a like notice and motion, as before provided.

20. If the property levied upon shall not sell for a sum sufficient to satisfy the execution, the marshal shall make a further and sufficient levy, if sufficient property can be found, and proceed as upon the first levy, and return his proceedings thereon.

21. The clerk, upon the return of an execution unsatisfied, shall, if required, issue another execution upon the judgment, and indorse thereon the amount of money levied by the former, if any.

22. When property shall be sold on execution for more than will satisfy the execution, including interest and costs, the marshal shall pay the overplus to the execution debtor, of whom it was levied, or to his assigns.

23. When the marshal has sold the property of a non-resident or other person, upon an execution issued on a judgment recovered against him in a case where publication is provided for, and no personal notice of the pendency of the action was given to such defendant, the plaintiff shall not be entitled to receive any of the proceeds of such sale, until he has filed in the clerk's office a written undertaking, with two sureties, to be approved by the clerk, to the effect that he will refund the money about to be received by him, with interest and costs, or so much thereof as shall be necessary, if the judgment shall afterward be annulled or set aside, and the defendant shall, within the time required by law, show the plaintiff's claim is unfounded in whole or in part. But surety to refund shall not be required in cases of attachment.

24. The death of the defendant, after the execution is placed in the hands of the marshal to be executed, shall not affect his proceedings thereon.

25. There shall be no supersedeas or stay of execution of the judgments of any court of this District, otherwise than by injunction or other order of court, by agreement of parties, by motion for a new trial, or by proceedings on appeal or in error.

CHAPTER XXXV.—PROCEEDINGS SUPPLEMENTARY TO EXECUTION.

1. Debtor may be required to answer after return of execution.
2. When upon affidavit, and before return of execution.
3. When debtor is about to leave District.
4. Must answer as to frauds.
5. Debtor of judgment debtor may pay.
6. Third persons may be examined.
7. Witnesses.
8. To attend before court or referee.
9. Disposition of property of debtor.
10. When third persons claim interest in property.
11. Reference.
12. Contempt.
13. Costs.

1. When an execution against the property of the judgment debtor, or any one of several debtors in the same judgment, is returned unsatisfied, in whole or in part, the judgment creditor, after such return is made, shall be entitled to an order, to be issued by the court, or any justice thereof, requiring such debtor to appear and answer concerning his property before the court, or any justice thereof, at a time and place specified in such order.

2. After the issuing of an execution against property, and upon proof by the affidavit of the judgment creditor, or otherwise, to the satisfaction of the court, or any justice thereof, that the judgment debtor has property which he unjustly refuses to apply to the satisfaction of the judgment, the court or justice may, by order, require the judgment debtor to appear before the court, or any justice thereof, to answer concerning the same; and such proceedings may thereupon be had, for the application of the property of the judgment debtor, toward the satisfaction of the judgment, as are prescribed by law.

3. Instead of the order requiring the attendance of the judgment debtor, as provided in the two preceding sections, the court or justice may, upon satisfactory proof, by affidavit of the party or otherwise, that there is danger of the debtor leaving this District or concealing himself to avoid said examination, issue a warrant, requiring the marshal to arrest such debtor and bring him before the court or justice. Upon being brought before the court or justice, he shall be examined on oath, and other witnesses may be examined on either side.

4. No person shall, on examination pursuant to this chapter, be excused from answering any question, on the ground that his examination will tend to convict him of a fraud, but his answers shall not be used as evidence against him in any criminal proceeding or prosecution. Nor shall he be excused from answering any question, on the ground that he has, before the examination, executed any conveyance, assignment, or transfer of his property for any purpose, but his answer shall not be used as evidence against him in any criminal proceeding or prosecution.

5. After the issuing of execution against property, any person indebted to the judgment debtor may pay to the marshal the amount of his debt, or so much thereof as may be necessary to satisfy the execution, and the marshal's receipt shall be a sufficient discharge for the amount so paid.

6. After the issuing or return of an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, and upon proof, by affidavit or otherwise, to the satisfaction of the court, or any justice thereof, that any person or corporation has property of such judgment debtor, or is indebted to him, the court or justice may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place, and answer concerning the same. The court or justice may also, in their discretion, require notice of such proceeding to be given to any party in the action, in such manner as may seem proper.

7. Witnesses may be required, upon the order of the justice, or by a subpœna issued by the clerk, to appear and testify upon any proceedings under this chapter, in the same manner as upon the trial of an issue.

8. The party or witness may be required to attend before the court, or any justice thereof, or before a referee appointed by the court or justice thereof. All examinations and answers shall be on oath, except that, when a corporation answers, the answer shall be on the oath of an officer thereof.

9. If it shall appear on such examination that the judgment debtor is possessed of property, real or personal, in the hands of either himself, or any other person or corporation, not exempt from execution, the court or a justice may order the same to be seized, or delivered into the hands of the marshal, to be applied, in due course of law, to the satisfaction of the judgment. But the earnings of the debtor for his personal services, at any time within three months next preceding the time of the order, shall not be so applied.

10. But if it appear that a person or corporation, alleged to have property of a judgment debtor, claims an interest in the property adverse to him, the judgment creditor may attach the interest of the judgment debtor therein; and the court or a justice may, by order, forbid a transfer, or other disposition of such property or any interest therein, until a sufficient opportunity be given to sue out the attachment, and prosecute the same to judgment and execution; but such order may be modified or dissolved, by the justice granting the same, at any time, on such security as he shall direct.

11. The court or justice may, in his discretion, order a reference to the auditor or an examiner of the court, to report the evidence or the facts, and may, in his discretion, name the auditor or examiner in the first order, or at any time.

12. If any person, party, or witness disobey an order of the court or justice, duly served, in any proceedings under this chapter, such person, party, or witness may be punished by the court or justice as for a contempt.

13. Costs shall be awarded and taxed in the proceedings under this chapter as in other cases.

CHAPTER XXXVI.—PROPERTY EXEMPTED FROM EXECUTION, MORTGAGE, OR SALE.

1. Exemptions.
2. In case of judgment for wages.
3. When wife to join in incumbrances.

1. The following property, being the property of the head of a family or householder, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District of Columbia, to wit: all wearing apparel belonging to all persons; all beds, bedding, household furniture, stoves, cooking-utensils, &c., not exceeding three hundred dollars in value; provisions for three months' support, whether provided or growing; fuel for three months; mechanics' tools and implements of the debtor's trade or business, amounting to two hundred dollors in value, with two hundred dollars' worth of stock for carrying on the business of the debtor; the library and implements of a professional man or artist, to the value of three hundred dollars; one horse, mule, or yoke of oxen; one cow, one swine, six sheep; one cart, wagon, or

dray, and harness, and food for such team for three months; farming-utensils of a farmer to the value of one hundred dollars; all family portraits, and all the family library, not exceeding in value four hundred dollars: *Provided*, That this exemption shall not interfere with the foreclosure of any mortgage or deed of trust executed prior to the fifth day of February, 1867.

2. No property named and exempted in this chapter, shall be exempted from attachment or execution for any debt due for wages of servants, common laborers, or clerks, except wearing apparel, beds and bedding, and household furniture and provisions, as hereinbefore specified.

3. No deed of trust, bill of sale, or mortgage upon any of said exempted articles, shall be binding or valid, unless signed by the wife of the debtor, if he be married and living with his wife.

CHAPTER XXXVII.—APPEALS.

1. Appeals.
2. To be within one year.
3. No supersedeas unless bond is given—form.

1. Any party aggrieved by any order, judgment, or decree, made or pronounced at any special term or circuit court, may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term of said supreme court; and upon such appeal the general term shall review such order, judgment, or decree, and affirm, reverse, or modify the same, as shall be just.

2. Appeals to the general term shall not be allowed but within one year after the order, judgment, or decree is made or pronounced.

3. No appeal shall operate as a stay of execution, where the judgment is for a specific sum of money, unless the appellant, with one surety or more, to be approved by the court or one of the justices, within twenty days after the judgment or decree, execute and file in the cause an undertaking in the following form substantially:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant.
} At law, No. —.

The defendant, (plaintiff,) having appealed to the general term from the judgment (decree) pronounced against him by the circuit court (in the special term) on the ——— day of ———, 18—, and ——— ———, his surety, for themselves and each of them, their and each of their heirs, executors, and administrators, appearing and submitting to the jurisdiction of the said general term, hereby undertake to abide by, perform, and pay its judgment (decree) which they agree may be pronounced against all of them, (with stipulation as provided in Chapter XVIII.)

In all other cases of appeal to the general term, except in cases in which the United States is appellant, any justice of the court may determine, by order, to be entered upon the minutes of the court, the amount and character of the security to be given, which, in all cases, shall at least be sufficient to cover the costs of the appeal.

CHAPTER XXXVIII.—EVIDENCE.

1. Persons incompetent.
2. Parties competent.
3. When not.
4. Pleadings not evidence.
5. Subscribing witnesses.
6. When party may impeach his own witness.
7. Justification in slander.
8. Retraction in slander.

1. The following persons shall, as herein provided, be incompetent to testify:

(1.) Persons who are of unsound mind at the time of their production for examination.

(2.) Children who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly. Children under twelve years of age are presumed to be incompetent witnesses; those over twelve are presumed to be competent; but the court may examine children of tender age, and persons of alleged unsound mind, as to their capacity, and decide upon their competency.

(3.) An attorney, concerning any communication made to him by his client in that relation, or his advice therein, without his client's consent.

(4.) A clergyman or priest, concerning any communication intrusted to him as such, and necessary and proper to enable him to discharge his duties according to the usual course of practice or discipline of his church or sect, without the consent of the party communicating the same.

(5.) A public officer, concerning any communication made to him in official confidence, when, in the opinion of the court, the public interest would suffer by the disclosure.

2. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice in the District of Columbia, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence within said District, the parties thereto, and the persons in whose behalf any such action or other proceeding may be brought or defended, and any and all persons interested in the same, shall, except as hereinafter excepted, be competent and compellable to give evidence, either viva voce or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said action or other proceeding: *Provided*, That nothing herein contained shall render any person who is charged with any offense in any criminal proceeding compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall, in any criminal proceeding, render any husband compellable to give evidence for or against his wife, or any wife compellable to give evidence for or against her husband, or in any proceeding instituted in consequence of adultery; nor shall any husband be competent or compellable to disclose any communication made to him by his wife during the marriage, nor shall any wife be competent or compellable to disclose any communication made to her by her husband during the marriage.

3. In actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with, or statement by, the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

4. No answer or other pleading of any party, and no discovery, or

evidence obtained by means of any judicial proceeding from any party or witness in this or any foreign country, shall be given in evidence, or in any manner used against such party or witness, or his property or estate, in any court of this District, or in any proceeding by or before any officer of the United States, in respect to any crime, or for the enforcement of any penalty or forfeiture by reason of any act or omission of any such party or witness: *Provided*, That nothing in this section shall be construed to exempt any party or witness from prosecution and punishment for perjury committed by him in discovering or testifying as aforesaid.

5. In every suit or action at law or in equity, in which it may be necessary to prove the execution of any instrument of writing whatsoever, by a subscribing witness, it shall be lawful to prove the execution of such instrument of writing in the same manner, and by the same evidence, that the same might be proved by, if not attested by, a subscribing witness; but this shall not apply to the proof of the execution of any last will and testament.

6. A party producing a witness shall not be allowed to impeach his credit, by evidence of bad character, unless it was indispensable that the party should produce him, or in case of manifest surprise; but he may, in all cases, contradict him by other evidence, and by showing that he has made statements different from his present testimony.

7. In actions for libel or slander, the defendant may, in his pleas, allege both the truth of the matter charged as defamatory, and any mitigating circumstances, to reduce the amount of damages; and, whether he prove the justification or not, he may give in evidence mitigating circumstances.

8. In actions for defamation, the defendant may prove, in mitigation of damages, that, subsequent to uttering the words, or publishing the libel, and before suit brought, he retracted the charge or imputation, or acknowledged he had been mistaken, or offered to apologize, or that the words were not spoken in earnest, or circumstances which induced him erroneously to make the charge, or he may show the general bad character of the plaintiff, in respect to the matter imputed, and the jury shall allow to all such proof the weight to which they may think it entitled.

CHAPTER XXXIX.—WITNESSES.

1. How summoned.
2. From what distance.
3. Prepayment of fees.
4. To be answerable for damages for non-attendance.
5. Referees to administer oaths.
6. Conviction of crimes.
7. Perjury.
8. Religious opinions.
9. Form of oath.
10. Excessive number of witnesses.

1. Subpœnas for witnesses, in civil causes, may be served by any officer qualified to serve a civil process, or by a disinterested person, by exhibiting and reading it to the witness, or by giving him a copy thereof, or leaving such copy at the place of his abode.

2. Subpœnas for witnesses, who may be required to attend the supreme court of this District, may run into any judicial district of the United States: *Provided*, That, in civil causes, the witnesses living out of this District do not live at a greater distance than three hundred miles from the same.

3. No person shall be obliged to attend as a witness in any civil case,

pending before any court, magistrate, referee, auditor, or other person authorized to examine witnesses, unless the fees allowed by law for one day's attendance, and for traveling to and returning from the place where he is required to attend, are paid or tendered to him. And no witness shall be obliged to continue his attendance unless, from day to day, the fees allowed by law for his daily attendance are paid or tendered to him: *Provided*, That he gives reasonable notice thereof to the party who summoned him.

4. If a person duly summoned, and obliged to attend as a witness, fails so to do without a reasonable excuse, he shall be liable to the aggrieved party for all damages occasioned by such failure, to be recovered in an action of tort, and shall, in addition, be considered a contempt of court, and punishable by fine and imprisonment.

5. Referees and auditors may administer oaths or affirmations to all persons offered as witnesses before them.

6. No person shall be excluded by reason of any crime, except perjury or subornation of perjury, from giving evidence as a witness, either in person or by deposition, in any civil proceeding in court, or before a person having authority to receive evidence. But the conviction of any crime may be shown to affect the credibility of a witness.

7. No person convicted of perjury or subornation of perjury shall be received as a witness, until the judgment against him be reversed.

8. No religious opinions, or the want thereof, shall render a witness incompetent.

9. Every person believing in any other than the Christian religion may be sworn according to the peculiar ceremonies of his religion, if there are any such; or if the court or officer before whom a person is to be sworn is satisfied that such person has any peculiar mode of swearing, which is, in his opinion, more solemn or obligatory than swearing on the Holy Evangelists, he may adopt that mode of administering the oath. Every person, not a believer in any religion, shall be required to testify truly under the pains and penalties of perjury.

10. If any party summon more than three witnesses to prove the same fact, he shall, in the discretion of the court, pay the costs occasioned by the additional number of witnesses.

CHAPTER XL.—DEPOSITIONS TO PERPETUATE TESTIMONY.

1. When allowed.
2. Form of petition.
3. Order of allowance.
4. Cross-examination.
5. Before whom taken.
6. When approved, to be filed.
7. Costs.

1. When a person is desirous to perpetuate the testimony of a witness, he shall file in the office of the clerk of the supreme court of this District a petition verified by affidavit, in which he shall set forth specially the subject-matter relative to which the testimony is to be taken, and the names of the persons interested, if known to the applicant, and if not known, such general description as he can give of them, as heirs, devisees, alienees, or otherwise.

2. The petition shall also state the names of the witnesses to be examined, and the interrogatories to be propounded to each; that the applicant expects to be a party to an action in a court of this District, in which such testimony will, as he believes, be material, and the obstacles preventing the immediate commencement of the action, when the applicant expects to be the plaintiff.

3. Any justice thereof, in term or vacation, may forthwith make an order allowing the examination of such witnesses. The order shall prescribe the time and place of the examination, how long, and the manner in which the parties interested shall be notified.

4. When it appears satisfactorily to the justice that the parties interested cannot be personally notified, such justice shall appoint a competent attorney to examine the petition, and prepare and file cross-interrogatories to those contained therein. The witness shall be examined upon the interrogatories of the applicant, and upon cross-interrogatories, when they are required to be prepared, and no others shall be propounded to them; nor shall any statement be received which is not responsive to some one of them. The attorney filing the cross-interrogatories shall be allowed a reasonable fee therefor, to be taxed in bill of costs.

5. Such depositions shall be taken before some one authorized by law to take depositions, or before some one specially authorized by the justice, and shall be returned to the office of the clerk of the said court.

6. The justice, if satisfied that the depositions have been properly taken, shall approve the same and order them to be filed; and if a trial be had between the parties named in the petition, or their privies, or successors in interest, such depositions may be given in evidence by either party, when the witnesses are dead or insane, or when their attendance for oral examination cannot be had; but such depositions shall be subject to the same objection, for irrelevancy or incompetency, as may be made to depositions taken pending an action.

7. The applicant shall pay all costs under this proceeding to perpetuate testimony.

CHAPTER XLI.—PROOF OF FOREIGN LAWS, ETC.

1. When authenticated.
2. Foreign records.
3. To apply to Territories.
4. Proof of statutes.
5. Foreign laws, how proved.
6. Laws of District.
7. Exemplification of deeds.

1. The acts of the legislatures of the several States may be authenticated by having the seal of their respective States affixed thereto; that the records and judicial proceedings of the courts of any State shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings, authenticated as aforesaid, shall have such faith and credit given to them, in every court within the United States, as they have by law or usage in the courts of the State from whence the said records are or shall be taken.

2. All records and exemplifications of office-books, which are or may be kept in any public office of any State, not appertaining to a court, shall be proved or admitted in any other court or office in any other State or this District, by the attestation of the keeper of the said records or books, and the seal of his office thereto annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county or district, as the case may be, in which such office is or may be kept, or of the governor, the secretary of state, the chancellor, or the keeper of the great seal of the State, that the said attestation is in due

form, and by the proper officer; and the said certificate, if given by the presiding justice of a court, shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if the said certificate be given by the governor, the secretary of state, the chancellor, or keeper of the great seal, it shall be under the great seal of the State in which the said certificate is made. And the said records and exemplifications, authenticated as aforesaid, shall have such faith and credit given to them, in every court and office within the United States, as they have by law or usage in the courts or offices of the State from whence the same are or shall be taken.

3. All the provisions of this chapter shall apply as well to the public acts, records, office-books, judicial proceedings, courts, and offices of the respective Territories of the United States, and countries subject to the jurisdiction of the United States, as to the public acts, records, office-books, judicial proceedings, courts, and offices of the several States.

4. The public or private statutes of the United States, or of any State or Territory of the United States, may be read in evidence from any printed volume, purporting to contain the statutes of the said United States, State, or Territory, and the said printed volume shall, in all cases, be received as prima-facie evidence of said statutes, without any further authentication or proof thereof.

5. The existence, tenor, or effect of all foreign laws may be proved as facts, by parol evidence; but if it appear that the law in question is contained in a written statute or code, the court may, in its discretion, reject any evidence of such law that is not accompanied by a copy thereof.

6. The public or private laws and resolutions published by the authority of this District may be read in evidence from the printed statute-book.

7. The copy of the record or register of any deed or other instrument of writing which the laws of the State or country where the same may be executed require to be recorded or registered, and which has been recorded agreeably to such laws, under the hand of the keeper of such record or register, and the seal of the court or office in which such record or register has been made, or a copy of any deed or other instrument of writing, lodged for safe-keeping in any office or court, agreeably to the laws of the State or country, as aforesaid, and certified as aforesaid, shall be good and sufficient evidence in any court of this District, to prove, prima facie, such deed or instrument of writing.

CHAPTER XLII.—DEPOSITIONS FOR STATES AND FOREIGN NATIONS.

1. When witness to be examined in District upon commission.
2. When witness to be examined without commission.
3. Taking of deposition.
4. Fees.

1. Any party to any suit, depending in any court of any State or Territory of the United States, or of any foreign nation, may obtain the testimony of any witness residing in, or temporarily within, the District of Columbia, to be used in such suit. When a commission to take such testimony shall have issued from the court in which such suit is pending, or a notice shall have been given according to the rules of practice prevailing in such court, on producing the

same to a justice of the supreme court of the District of Columbia, and on due proof being made to such officer that the testimony of any witness residing in the District, or temporarily within it, is material to the party desiring the same, such officer shall issue a summons to such witness, requiring him to appear before the commissioners named in such commission, or notice to testify to such suit. Such summons shall specify the time and place at which such witness is required to attend, which shall be within the District of Columbia.

2. If a suit be pending in any court of any State or Territory of the United States, or of any foreign nation, and it shall satisfactorily appear by affidavit to any officer named in the next preceding section, or any commissioner for the taking of depositions appointed by the supreme court of the District—

(1.) That any person residing or temporarily dwelling in the District of Columbia is a material witness for either party to such suit;

(2.) That no commission or notice to take the testimony of such witness has been issued or given; and

(3.) That, according to the course and practice of the court in which such suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing of such suit;

Such officer shall issue his summons, requiring such witness to appear before him at a place within the District, at some reasonable time, to testify in such suit.

3. The officer before whom such witness shall appear shall take down his testimony in writing, and shall certify and transmit the same to the court before which such suit is pending, in such manner as the practice of the court may require. If any person shall refuse or neglect to appear, at the time and place mentioned in the summons issued in accordance with this act, or if, on his appearance, he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit.

4. Every witness appearing and testifying under this act shall be entitled to receive, from the party at whose instance he has been summoned, the fees now provided by law for each day he shall give attendance.

CHAPTER XLIII.—COSTS.

1. Prevailing party to recover.
2. In actions of contracts, &c.
3. Of slander, &c.
4. On interlocutory proceedings.
5. On different counts.
6. On actions against several parties.
7. When to be limited to single action.
8. When to be imposed on attorney.
9. On refusal to admit documents.
10. Tender.
11. Mandamus, &c.
12. Against executors, &c.
13. In cases of assignment.
14. On reference.
15. On appeal.
16. Taxation.
17. Appeal from taxation.
18. Clerk to draw out particulars of fees.
19. When entitled to judgment for.
20. Jury fee abolished.
21. Attorneys' fees.
22. Deposit in clerk's office.

1. In all civil actions, the prevailing party shall recover his costs, except in those cases in which a different provision is made by law.

2. In all actions arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, (except in cases involving the title to real estate, actions to recover damages for assault, or assault and battery, or for malicious prosecution, or actions against jus-

tices of the peace or other officers for misconduct in office, or in actions for slander, verbal or written,) brought originally in the supreme court of this District, if the plaintiff finally recovers a sum not exceeding fifty dollars, he shall be entitled to no costs; but if the plaintiff's claim, as established on the trial, exceed fifty dollars, and is reduced to that amount or less, or overbalanced, by set-offs, which could not have been proved in payment, it shall be considered, for the purposes of this section, as having exceeded fifty dollars; and the party who finally recovers judgment in the suit shall be entitled to his costs.

3. In all actions for slander, libel, assault, assault and battery, malicious prosecution, or actions against justices of the peace or other officers for misconduct in office, if the damages assessed be under twenty dollars, the plaintiff shall not recover any costs.

4. In all civil suits and proceedings, in which no provision is expressly made by law, and upon all interlocutory motions and proceedings, the costs shall be wholly in the discretion of the court.

5. Where there are two or more counts, on several and distinct causes of action, and a verdict is rendered for the plaintiff on one or more of them, and for the defendant on any other or others, each party shall recover his costs, on the trial of the counts upon which the verdict is in his favor, and shall recover nothing for the like charges incurred on the trial of the other counts.

6. In all actions, where there are several defendants not united in interest, and making separate defenses by separate pleas, and the plaintiff fails to recover judgment against all, the court may award costs to such of the defendants as have judgment in their favor, or any of them.

7. The defendant may move the court to limit the plaintiff's recovery of costs to those of a single action, when he has prosecuted separate actions against several defendants, who might have been joined in one action or process.

8. The defendant may move to have costs imposed upon an attorney or proctor, who shall appear to have multiplied proceedings in a cause, so as to increase costs unreasonably and vexatiously.

9. A party who has refused to admit documents which have been proved at the trial, shall be adjudged to pay the costs of such proof, unless it appear to the court that his refusal was reasonable.

10. When a defendant brings money into court and offers the same in satisfaction of the damages, the plaintiff shall be entitled to the costs which had previously accrued, though he may not recover a larger sum than is so brought into court.

11. In cases where application is made at the suit or in behalf of a person, or a corporation, for a writ of certiorari, mandamus, quo warranto, or other like process, the court may, in its discretion, allow costs to any person who appears and objects thereto, and may award judgment and execution against the person by whom, or in whose behalf, the application is made.

12. In an action prosecuted or defended by an executor, administrator, guardian, trustee of any express trust, a person with whom, or in whose name, a contract is made for the benefit of another, or a person authorized by statute, costs shall be recovered as in an action by or against a person prosecuting or defending in his own right; but such costs shall be chargeable only upon, or collected of, the estate found, or party represented, unless the court shall direct the same to be paid by the plaintiff or defendant personally, for mismanagement or bad faith in such action or defense.

13. In actions in which the cause of action shall, by assignment or in

any other manner, become the property of a person not a party to the action, such person shall be liable for the costs in the same manner as if he were a party.

14. Nothing contained in this chapter shall take away or control the power of referees to make such award concerning costs as justice and equity require.

15. The costs of an appeal shall be in the discretion of the court, when a new trial shall be ordered, or when a judgment shall be affirmed in part and reversed in part.

16. Bills of costs shall be taxed by the clerk of the court. No costs shall be taxed without notice to the adverse party, or his attorney, if he gives seasonable notice in writing to the clerk of his desire to be present at the taxation, or causes such notice to be entered on the docket.

17. Either party may appeal from the taxation by the clerk to the court in which the suit is pending, which appeal shall be heard without delay.

18. Whenever any party recovers costs, the clerk shall include in the costs the fees of such party's attorney, the allowance to his witnesses for travel and attendance, the fees of officers, the compensation of referees, the necessary expenses of taking depositions by commission or otherwise, and any further sum for any other matter which the court may deem reasonable and direct to be taxed.

19. Wherever costs are awarded to a party, he shall be entitled to judgment for the same and execution thereon, unless otherwise specially ordered by the court, justice, or referee.

20. Hereafter all allowances made to a jury, that shall pass their verdict in any cause, to be paid by the party for whom such verdict shall pass, are abolished.

21. All laws restricting or controlling the right of a party to agree with an attorney, solicitor, or counsel, for his compensation, are repealed; and hereafter the measure of such compensation shall be left to the agreement, express or implied, of the parties.

22. At the commencement of every suit in the supreme court of this District, the plaintiff shall deposit at least eight dollars with the clerk, to be appropriated toward the costs of the suit; and if the plaintiff recover against the defendant a judgment with costs, and said costs do not amount to eight dollars, the overplus shall be paid back to the plaintiff by the clerk: *Provided*, That suits may be prosecuted in said court by poor persons without making the deposit herein prescribed, upon the order of the court, or of one of the justices thereof.

23. Costs may be allowed on a motion, in the discretion of the court or justice, not exceeding ten dollars, and may be absolute, or directed to abide the event of the action.

CHAPTER XLIV.—FEES.

1. Fees.
2. Attorneys', &c.
3. Clerk's.
4. Marshal's.
5. Coroner's.
6. Bailiffs' and criers'.
7. Register's.
8. Not to receive more than four thousand dollars.
9. May employ assistants.
10. Commissioners'.
11. Referees'.
12. Witnesses'.
13. Auditor's.
14. Examiner's.
15. Trustees' commission.
16. Advertising rates.
17. Auctioneers' allowance.
18. Schedule of fees to be posted.

1. The following and no other compensation shall be taxed and allowed to the respective officers, and persons hereinafter mentioned, in civil cases:

2. In a trial before a jury, in civil causes, or before referees, or on final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases in admiralty and maritime jurisdiction, where the libelant shall recover less than fifty dollars, the docket fee of his proctor shall be but ten dollars.

In cases at law, where judgment is rendered without a jury, ten dollars, and five dollars where a cause is discontinued.

For each deposition taken and admitted as evidence in the cause, two dollars and fifty cents.

An additional docket-fee of ten dollars shall be allowed for the services rendered in all cases of appeal to the court in general term.

3. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, summons, or subpœna for a witness, one dollar.

For filing and entering every declaration, plea, or other paper, ten cents.

For administering every oath or affirmation to a witness or other person, except a juror, ten cents.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents; and for a copy of any such entry or record, or of any paper on file, not exceeding one folio, ten cents, and for each additional folio, ten cents.

For making dockets and indexes, and for all other services on the trial or argument of a cause, where issue is joined and testimony given, including venire and taxing costs, three dollars.

For making dockets and indexes, and for all other services in a cause where issue is joined and no testimony given, including taxing costs, two dollars.

For making dockets and indexes, and for taxing costs and other services in a cause which is dismissed, discontinued, or a judgment or a decree is made or rendered therein without issue, one dollar.

In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memoranda as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record; and in case of an appeal, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

For affixing a seal of the court to any instrument when required, twenty cents. For issuing a writ of subpœna, twenty-five cents. For every search of any particular mortgage, judgment, or other lien, fifteen cents.

For searching the records of the court for judgments, decrees, and other instruments constituting a general lien upon real estate, and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money in pursuance of the requirements of any statute or order of court, one per cent. on the amount so received, kept, and paid.

In cases removed by writ of error or appeal, the clerk's fees for making dockets and taxing costs shall be but one dollar; and the clerk ex officio shall be, and hereby is, authorized and empowered to administer oaths, take acknowledgments, take and certify affidavits and deposi-

tions in the same manner as commissioners, and shall be entitled to the same fees and compensation therefor.

4. For service of any writ of summons at law or in equity, or any injunction, one dollar for each person on whom such service may be made.

For serving any writs of scire facias, attachment for contempt, an attachment upon any garnishee, one dollar for each person on whom such service may be made.

For serving any writ of possession, ne exeat, retorno habendo, two dollars for each writ.

For serving a writ of subpœna on a witness, fifty cents for each person on whom such writ may be served.

For all goods and chattels which the marshal shall take on fieri facias, or attachment, and for which he may be chargeable, five per cent. poundage on the first five hundred dollars, and two and one-half per cent. on the balance; and on real property, one-half of the said fees.

For serving writ of replevin, the same fees as on fieri facias, where personal property is taken, to be charged on the appraised value of the goods replevied.

For serving writ of withernam, the same fees as allowed on replevin.

For summoning appraisers to value goods taken by fieri facias, attachment, or replevin, for each person summoned, fifty cents.

For swearing appraisers, each, eighteen cents.

For executing a warrant of resurvey, per day, three dollars.

For serving a writ of de lunatico inquirendo, one dollar.

For summoning jurors under said writ, each, fifty cents.

For swearing each juror, eighteen cents.

For impaneling the jury thereunder, one dollar and fifty cents.

For taking and returning inquisition of said writ, one dollar and fifty cents.

For serving a writ of inquiry of damages, for each person on whom served, one dollar.

For summoning each juror, fifty cents.

For swearing each juror, eighteen cents.

For impaneling said juror, one dollar and fifty cents.

For taking and returning said inquisition, one dollar and fifty cents.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at the request of any party, ten cents per folio of one hundred words.

For every proclamation in admiralty, thirty cents.

For sales of vessels or other property, under process in admiralty, or under the order of the court of admiralty, and for receiving and paying the money, for any sum under five hundred dollars, two and a half per centum; for any larger sum, one and one-quarter per centum upon the excess.

For serving an attachment in rem or a libel in admiralty, two dollars, and the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents per day; and in case the debt or claim shall be settled by the parties, without a sale of the property, the marshal shall be entitled to a commission of one per cent. on the first five hundred dollars of the claim or decree, and one-half of one per cent. on the excess over five hundred dollars: *Provided*, That in case the value of the property shall be less than the claim, then, and in such case, such commission shall be allowed only on the appraised value thereof.

5. The coroner or other person, when performing the duties of marshal, shall receive the same fees as the marshal.

6. The bailiffs and criers, who are required by the marshal or courts of the District of Columbia to attend upon the supreme court of said District, shall be paid by said marshal three dollars and fifty cents per day for each day's attendance.

7. For every probate of will, where there is no controversy, one dollar.

Annexing will, for one hundred words, ten cents.

For granting letters testamentary, seventy-five cents.

Registering will, for one hundred words, ten cents.

For granting letters of administration, seventy-five cents.

Every bond taken of executors, administrators, or guardians, and recording the same, one dollar and fifty cents.

For filing and entering renunciation of executors or widows, twenty-five cents.

For exemplification of letters testamentary, or letters of administration, under seal, one dollar.

For issuing warrants, under seal, to appraisers, and warrant to swear them, fifty cents.

For notice of administrators to creditors, and order thereon, fifty cents.

For entering caveat, twenty-five cents.

For issuing citation, under seal, fifty cents.

For administering every oath or affirmation, six and a quarter cents.

For filing list of articles appraised, twenty-five cents.

For filing list of articles sold at vendue, twenty-five cents.

For recording the same, (if ordered by the court,) for every hundred words, ten cents.

For stating, passing, and filing the account of an executor, administrator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents.

For examining the voucher, (vouchers,) passing and filing the account of an executor, administrator, or guardian, (not stated by the register,) and not exceeding seventy-five items, two dollars; every additional item, two cents.

For copy of same, under seal, if demanded, not exceeding one hundred items, one dollar; every additional item, two cents; seal and certificate, thirty-seven and a half cents.

For subpœna, thirty-seven and a half cents.

All witnesses to be put into one subpœna, unless separate ones are required by the party. For every name after the first, six and a quarter cents.

For duces tecum, under seal, fifty cents.

For making out and filing the balance of distribution of deceased person's estate, for each next of kin, one dollar.

For taxing all costs in any one case, twenty-five cents.

For writ of execution on a definitive sentence under seal, seventy-five cents.

For recording and filing each indenture of apprentice, including the court's taking recognizance for same, or its approval when done by the justice of the peace, seventy-five cents.

For drawing depositions of witnesses, for every one hundred words, ten cents.

For filing all other papers, (except above required,) four cents each.

For entering appearance of party under process, ten cents.

For entering return of process, ten cents.

For every continuance or reference chargeable to the applicants, ten cents.

For commission to examine witnesses, or to auditors, under seal, one dollar.

For commission to value orphan's estate in the hands of guardians, under seal, one dollar.

For entering every order of court, ten cents; if more than one hundred words, then at the rate of ten cents per hundred.

For copying or recording any paper, for one hundred words, ten cents; seal and certificate, thirty-seven and a half cents.

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of ten cents per hundred.

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words, ten cents; seal and certificate, thirty-seven and a half cents.

For entering every motion in court, ten cents.

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, ten cents.

For issuing attachment and entering motion thereof, seventy five cents.

For taking a recognizance, twenty-five cents.

For warrant to marshal to summon jury, under seal, seventy-five cents.

For entering panel of jury, and swearing them, fifty cents.

For taking, filing, and recording every bond not above provided for, one dollar.

For passing an account against the estate of a deceased person, ten cents; to be paid by the applicant, and not to be refunded.

8. The register of wills shall not hereafter be allowed to receive from the fees and emoluments of his office a greater sum than four thousand dollars annually, and all the earnings, fees, and emoluments of his said office, after paying the necessary expenses thereof, shall be paid by him into the treasury of this District semi-annually, in accordance with regulations to be prescribed by the comptroller of this District.

9. The register of wills may employ such assistants, at such compensation as the supreme court of the District in general term may approve.

10. United States commissioners shall receive for administering an oath, ten cents; taking an acknowledgment, twenty-five cents.

For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of court, three dollars per day.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words, and ten cents per folio for each copy of the same furnished to a party on request.

For issuing any warrant, or writ, or any other service, the same compensation as is allowed to clerks for like services.

11. The fees of the referees shall be five dollars to each for every day employed in the business of the reference; but the parties may agree in writing upon any other rate of compensation.

12. Witnesses shall receive for each day's attendance in court, or before any officer pursuant to law, one dollar and twenty-five cents. When the witness resides outside of this District, five cents per mile for traveling from his place of residence to said place of trial or hearing,

and five cents per mile for returning, and three dollars per day for each day's necessary attendance in this District. When a witness is subpœnaed in more than one cause, between the same parties in different suits, at the same court, but one travel-fee and one per-diem compensation shall be allowed for attendance, to be taxed in the first case disposed of, and "per diem" only in the other causes, to be taxed from that time in each case, in the order in which they may be disposed of.

13. The auditor, while engaged in taking testimony of witnesses, shall be allowed the same fees as examiners for similar services. He shall also be allowed ten dollars for each day he is reasonably employed in the consideration and making up his report in any case.

14. Examiners in chancery shall be allowed for the taking, certifying, and returning of depositions, five dollars for each session of three hours or less, and two dollars for each additional hour or fraction thereof so employed; and in cases of adjournment of an appointed session, without taking any testimony, a fee of two dollars, to be paid by the party at whose instance or default the adjournment is had.

15. On sales under decrees or orders in equity, the following allowances will be made to trustees, receivers, &c.:

On the first	$300, 9 per centum	$27 00,		
Second	300, 8 " "	24 00,	total	$51 00
Third	300, 7 " "	21 00,	"	72 00
Fourth	300, 6 " "	18 00,	"	90 00
Fifth	300, 5 " "	15 00,	"	105 00
Sixth	300, 5 " "	15 00,	"	120 00
Seventh	300, 4 " "	12 00,	"	132 00
Eighth	300, 4 " "	12 00,	"	144 00
Ninth	300, 3½ " "	10 50,	"	154 50
Tenth	300, 3½ " "	10 50,	"	165 00

And three per centum on the proceeds of sales above $3,000, besides an allowance for expenses not personal. The above allowance subject to be increased in cases of postponement, at the request of the defendant, or of extraordinary difficulty or trouble from other circumstances, and to be lessened in case of negligence or other default of the trustee, at the discretion of the court. Whenever the trustee, receiver, &c., shall advertise the premises for sale, and the defendant shall pay the amount due before sale, the trustee shall be allowed one-half commissions, according to the foregoing rates, on the amount due, which said allowance shall be paid by the defendant.

16. In all cases in which, by order or decree of the supreme court of the District, any matter is required to be published in a newspaper or newspapers, the following charges and rates shall be allowed for such publication, to the party or parties required by said order or decree to make said publication, viz:

One square, containing eight lines, one time	$0 50
" " " two times	0 75
" " " three times	1 00
" " " one week	1 75
" " " one month	4 00
" " " three months	10 00
" " " six months	15 00

17. The following allowances will be made to auctioneers, for offering and selling real and leasehold estate under decrees or orders of the supreme court of this District:

For offering where no sale is effected					$5 00
For the first piece sold at any offering, where the amount of sale is not above $500					10 00
Where above	$500	and not over		$1,000	15 00
"	1,000	"	"	3,000	20 00
"	3,000	"	"	5,000	25 00
"	5,000	"	"	10,000	30 00
"	10,000	"	"	30,000	50 00
"	30,000	"	"	50,000	75 00
"	50,000				100 00

Provided, That in cases where more than one piece shall be sold under the same decree, at the same time and place, and aggregate of allowances by the above scale shall exceed one hundred dollars, then the said allowances shall be the subject of modification, according to the circumstances of each case.

18. Each of the officers entitled to fees under the provisions of this chapter shall post a schedule of the fees he is entitled to receive in a conspicuous place in his office.

IMPRISONMENT FOR DEBT.

There shall be no imprisonment for debt except as the same may be provided in the bankrupt laws, or be the result of failure to pay fines and penalties.

CHAPTER XLV.—SCHEDULE OF FORMS.

The forms hereto annexed may be used, subject to be changed and modified from time to time, by the supreme court of the District, by general rules made for the purpose.

Declaration—Commencement and conclusion.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The plaintiff sues the defendant for (here state the cause of action, and conclude as follows, or to the like effect:)

And the plaintiff claims $——, with interest thereon from the —— day of ———, 18—, besides costs, according to the bill of particulars hereto annexed.

If the cause of action accrue to or against the parties in some special character: for example, as executor or administrator, or trustee, or assignee in bankruptcy, or otherwise, or as husband and wife, thus:

A. B., executor of ——— ———, deceased, plaintiff,
vs.
C. D., administrator of ——— ———, deceased, defendant. } At law, No. —.

The plaintiff sues the defendant for (state the cause of action, and conclude as above.)

ACTIONS OF CONTRACT.

For goods sold.

For goods bargained and sold by the plaintiff to the defendant.

For goods sold and delivered.

For goods sold and delivered by the plaintiff to the defendant.

For money on exchange of goods.

For money agreed by the defendant to be paid by him to the plaintiff, together with certain goods of the defendant, by him delivered to the plaintiff in exchange for goods of the plaintiff, delivered by the plaintiff to the defendant.

For stock sold and transferred.

For $—— five-twenty United States stock, (according to the fact,) sold and transferred by the plaintiff to the defendant.

For fixtures sold.

For fixtures and effects bargained and sold, and given up by the plaintiff to the defendant.

For good-will of a business.

For the good-will of a business of the plaintiff, sold and given up by the plaintiff to the defendant.

For crops sold.

For crops bargained and sold by the plaintiff to the defendant.

For out-going tenant-rights.

For that the plaintiff relinquished and gave up to and in favor of the defendant, at his request, the benefit and advantage of work done, and the materials and things found and provided, and moneys expended by the plaintiff, in and about the farming, sowing, cultivating, and improving of certain lands and premises, while he held and occupied the same as tenant thereof.

For an estate sold.

For a messuage, lands, tenements, and premises sold and conveyed by the plaintiff to the defendant.

For the use of a house and land.

For the defendant's use, by the plaintiff's permission, of messuages and lands of the plaintiff.

For the use of unfurnished apartments.

For the defendant's use, by the plaintiff's permission, of rooms and apartments of the plaintiff.

For the use of furnished apartments.

For the defendant's use, by the plaintiff's permission, of rooms and apartments of the plaintiff, with furniture and other goods of the plaintiff therein.

For the use of furnished apartments and board, &c.

For defendant's use, by the plaintiff's permission, of rooms, apartments, and furniture of the plaintiff, and for board, lodging, food, attendance, and other necessaries provided by the plaintiff for the defendant at his request.

For the use of pasture land and eatage of grass.

For the defendant's use of pasture land of the plaintiff, and the eatage of grass and herbage thereon by the plaintiff's permission.

For the use of a fishery.

For the defendant's use, by the plaintiff's permission, of a fishery of the plaintiff.

For agistment.

For the agisting and feeding cattle by the plaintiff for the defendant, at his request

For covering mares.

For the use of stallions of the plaintiff in covering mares for the defendant, at his request.

For bulling cows.

For the use of bulls of the plaintiff in bulling cows for the defendant, at his request

For the hire of goods.

For the hire of goods by the plaintiff, let to hire to the defendant.

For freight.

For freight for the conveyance by the plaintiff for the defendant, at his request, of goods in ships.

For the carriage of goods by land.

For the conveyance of goods by the plaintiff for the defendant, at his request.

For passage-money.

For the passage of the defendant (and other persons) on board a ship of the plaintiff, (or whereof the plaintiff was master,) at the defendant's request.

For the tonnage of goods.

For the tonnage of goods conveyed in boats, barges, and other vessels by the plaintiff, for the defendant, at his request.

For lighterage of goods.

For lighterage of goods, conveyed by the plaintiff in lighters and other vessels, and landed out of the same, at the defendant's request.

For demurrage.

For the demurrage of a ship of the plaintiff, kept on demurrage by the defendant.

For tolls on goods brought into a market and weighed.

For tolls payable by the defendant to the plaintiff, for weighing at the plaintiff's beam (scales) goods brought by the defendant to a market for sale, and by the plaintiff weighed at the said beam.

For tolls on passing through a turnpike, and weighing.

For tolls payable by the defendant to the plaintiff, as farmer and collector of the tolls payable at a turnpike gate, and at certain weighing machines, erected on a turnpike road, for the defendant's cattle, which traveled along the road and through the gate, and for the defendant's carriage, which had traveled along the road, and been weighed at the machines.

For tolls on cattle sold in market by farmer and proprietor.

For tolls payable by the defendant to the plaintiff, as farmer and proprietor of a market, and of the tolls and duties arising therefrom, for the defendant's cattle, brought into the market and sold therein, while the plaintiff was farmer and proprietor thereof.

On a policy of insurance not under seal, and where there has been an adjustment.

Upon and by virtue of a policy of insurance on a ship of the plaintiff, on a certain voyage, underwritten by the defendant for $———, (here state the loss, which, for example, may be thus:) the said ship having on the voyage been captured and taken as prize by certain enemies of the United States, and which was one of the perils insured against by said policy, on any policy, and a loss of 100 per cent. on said policy having been adjusted and signed by the defendant.

For money payable by the defendant to the plaintiff for the ship John, wrecked and totally lost, in a voyage from Georgetown, District of Columbia, to the city of New York, by perils of the sea, against which the defendant assured the plaintiff, by his policy dated the —— day of ———, 18—, in the sum of $——, to be paid within sixty days after notice of such loss, which notice has been given, but the defendant has not paid the same. And the plaintiff claims $——, by reason of the premises, besides costs.

On an award on a submission not under seal.

Upon and by virtue of an award, made by ——— ———, by virtue of a certain submission to his award, made by the plaintiff and defendant, of and concerning, (all matters in difference,) then depending between them, and upon and by virtue of which reference the said ——— ——— awarded that the defendant should pay the plaintiff $—— at a day now past.

On an umpirage.

Upon and by virtue of an award, made by ——— ———, upon and by virtue of a submission by the plaintiff and defendant, (of all matters in difference,) then depending between them, to the award of ——— ——— and ——— ———, as referees, and thereby empowering them, in case they should not agree in making such award, to appoint a third person to award the said matters in difference; and whereupon the said referees, not agreeing in making said award, by virtue of said power, appointed the said ——— ——— as an umpire, to award of and concerning said matters of difference, who awarded that the defendant should pay the plaintiff $——— at a day now past.

On an award under an order of court.

Upon and by virtue of an award, made by ——— ———, in pursuance of a reference to him, by an order of the supreme court of the District of Columbia, made by consent of the plaintiff and the defendant, in an action therein pending, wherein the now plaintiff was plaintiff, and the now defendant was defendant, and by which award the said referee awarded that the defendant should pay to the plaintiff $——— at a day now past, and also $———, being the costs of said action, which by the said order of reference were ordered to be at the discretion of said referee.

For premiums of insurance.

For premiums payable by the defendant to the plaintiff, for insuring ships (or goods or moneys upon ships, or upon goods) by the plaintiff for the defendant, at his request.

For work and materials.

For work done and materials provided by the plaintiff for the defendant at his request.

For money lent.

For money lent by the plaintiff to the defendant.

For money paid.

For money paid by the plaintiff for the defendant at his request.

For money received.

For money received by the defendant for the use of the plaintiff.

For interest.

For interest upon moneys due and owing from the defendant to the plaintiff, and for forbearance of interest, by the plaintiff at the defendant's request, of moneys due and owing by him to the plaintiff.

On an account stated.

For money found to be due from the defendant to the plaintiff on accounts stated between them.

Account annexed.

And the plaintiff says the defendant owes him two hundred dollars, according to the account hereto annexed.

ON BILLS AND NOTES.

Holder of note against all the parties.

That the defendant ——— ———, (the maker,) on the ——— day of ———, 18—, by his promissory note, now overdue, promised to pay the defendant ——— ———, (payee,) $——— (two) months after date, and the said payee indorsed the said note to the defendant, ——— ———, who indorsed it to the defendant, ——— ———, who indorsed it to the plaintiff, and the said note was duly presented for payment and was dishonored, whereof all of said indorsers each had notice, but the said defendants did not, nor did either of them, pay the same.

Holder of bill against all the parties.

That ——— ———, on the ——— day of ———, 18—, by his bill of exchange, now overdue, directed to the defendant, ——— ———, (drawee,) required him to pay to the defendant, ——— ———, (payee,) $——— (two) months after date, and the said (payee) indorsed the said bill to ——— ———, who indorsed it to ——— ———, who indorsed it to the plaintiff, and the said drawee accepted the said bill, which was duly presented for payment and was dishonored, whereof the defendants had due notice, but did not pay the same.

Payee against maker of note.

That the defendant, on the ——— day of ———, 18—, by his promissory note, now overdue, promised to pay to the plaintiff $——— (two) months after date, but did not pay the same.

The like on note payable on demand.

That the defendant, on the ——— day of ———, 18—, by his promissory note, now overdue, promised to pay to the plaintiff $——— on demand, but did not pay the same.

The like on a note payable at a banker's.

That the defendant, on the ——— day of ———, 18—, by his promissory note, now overdue, promised to pay to the plaintiff, at Messrs. Riggs & Co.'s, bankers, Washington, (as in the note,) $———, (two) months after date, and the said note was duly presented for payment and was dishonored, whereof the defendant had notice, but did not pay the same.

The like on note payable by installments, the whole to become due on one default.

That the defendant, on the —— day of ———, 18—, by his promissory note, promised to pay to the plaintiff $100, by monthly installments of $10; the first installment to be paid on the ——— day of ———, 18—, and in case of default in the payment of any or either of said installments, the whole of the said sum of $100, or as much thereof as should remain unpaid at the time of said default, to become payable; and default was made by defendant in the payment of the first installment, and the whole amount of said note remains unpaid.

The like where all the installments are due by lapse of time.

That the defendant, on the —— day of ———, 18—, by his promissory note, now wholly overdue, promised to pay to the plaintiff $100, by monthly installments of $10, the first installment to become payable on the —— day of ——— then next; but the defendant did not pay the first or any of said installments.

Indorsee against maker of note.

That the defendant, on the —— day of ———, 18—, by his promissory note, now overdue, promised to pay to ——— ———, or order, $——, (two) months after date; and the said ——— ——— indorsed the same to the plaintiff; and the said note was duly presented for payment and was dishonored, whereof the defendant had due notice, but did not pay the same.

The like by an indorsee against payee, omitting averment of notice of dishonor, because maker had no effects.

That ——— ———, on the —— day of ———, 18—, by his promissory note, now overdue, promised to pay to the order of the defendant $——, (two) months after date, and the defendant indorsed the same to the plaintiff; and the said note was duly presented for payment and was dishonored; and at the time of making the note, and from thence until and at the end of the day on which it became payable, the defendant had not, in the hands of the said ——— ———, any effects; nor had, at any time, any reasonable ground to expect that the said ——— ——— could have any such effects, or that said note would be paid upon presentment of the same for payment; nor has the defendant sustained any damage by reason of his not having had notice of said presentment and dishonor of said note, and the defendant has not paid the same.

Payee against drawer of check.

That the defendant, on the —— day of ———, 18—, by his order for the payment of money, directed to Messrs. Riggs & Co., (as in the check,) required them to pay to the plaintiff, or bearer, $——, and the said order was duly presented for payment and was dishonored, whereof the defendant had due notice, but did not pay the same.

Bearer against drawer of check.

That the defendant, on the —— day of ———, 18—, by his order for the payment of money, directed to Messrs. Riggs & Co., required them to pay to the bearer $——, and the plaintiff became the bearer thereof; and the said order was duly presented for payment and was dishonored, whereof the defendant had due notice, but did not pay the same.

Drawer against acceptor of bill.

That the plaintiff, on the —— day of ———, 18—, by his bill of exchange, now overdue, directed to the defendant, required him to pay to the plaintiff $——, (two) months after date, and the defendant accepted the said bill, but did not pay the same.

The like where drawer, not being payee, has taken up the bill.

That the plaintiff, on the —— day of ———, 18—, by his bill of exchange, now overdue, directed to the defendant, required him to pay to ——— ———, or order, $——, (two) months after date, and the defendant accepted the bill, but did not pay the same, and thereupon it was returned to the plaintiff, and remains unpaid.

Indorsee against acceptor.

That ——— ———, on the —— day of ———, 18—, by his bill of exchange, now overdue, directed to the defendant, required him to pay to the said ——— ———'s order, $——, (two) months after date, and the defendant accepted the same, and the said ——— ——— indorsed the same (to ——— ———, who indorsed the same to ——— ———, who indorsed the same) to the plaintiff, but the defendant did not pay the same.

Payee against drawer for default of acceptance.

That the defendant, on the —— day of ——, 18—, by his bill of exchange, now overdue, directed to —— ——, required him to pay to the plaintiff $——, (two) months after date; and the said bill was duly presented for acceptance, and was dishonored, of which the defendant had due notice, but did not pay the same.

The like for default in payment.

That the defendant, on the —— day of ——, 18—, by his bill of exchange, now overdue, directed to —— ——, required him to pay to the plaintiff $——, (two) months after date, and the said bill was duly presented for payment and was dishonored, of which the defendant had due notice, but did not pay the same.

The like, averring that drawee had no effects of drawer, in order to dispense with notice of dishonor.

That the defendant, on the —— day of ——, 18—, by his bill of exchange, now overdue, directed to —— ——, required him to pay to the plaintiff $ ——, (two) months after date; and the said bill was duly presented for payment, and was dishonored; and at the time of making said bill, and from thence until, &c., (proceed, alleging the excuse for the want of notice, as in the form upon a note, by indorsee against maker of note.)

Indorsee against drawer on non-payment.

That the said defendant, on the —— day of ——, 18—, by his bill of exchange, now overdue, directed to —— ——, required him to pay to the defendant's order $——, (two) months after date; and the defendant indorsed the same (to —— ——, who indorsed the same) to the plaintiff; and the said bill was duly presented for payment, and was dishonored, of which the defendant had due notice, but did not pay the same.

Indorsee against indorser, (not the drawer,) on non-payment.

That —— ——, on the —— day of ——, 18—, by his bill of exchange, now overdue, directed to —— ——, required him to pay to the order of the said —— —— $——, (two) months after date; and the said —— —— indorsed the same (to —— ——, who indorsed the same) to the defendant, who indorsed the same to the plaintiff; and the said bill was duly presented for payment, and was dishonored, of which the defendant had due notice, but did not pay the same.

Drawer against acceptor of a foreign bill.

That the plaintiff, on the —— day of ——, 18—, in parts beyond the sea, to wit, (at Paris, in the empire of France,) by his bill of exchange, now overdue, directed to the defendant, required him to pay to the plaintiff $——, (two) months after date, and the defendant accepted the said bill, but did not pay the same; (and by reason of the premises, the plaintiff was put to and incurred expenses for presenting, noting, and protesting and re-exchange of said bill, and incidental to the dishonor of it.) [*Note.*—Omit the averment between the ( ) if no expenses are claimed.]

Payee against acceptor of a foreign bill, supra protest.

That —— ——, on the —— day of ——, 18—, in parts beyond the seas, to wit, at ——, in the empire (or kingdom) of ——, by his bill of exchange, now overdue, directed to ——, required him to pay to the plaintiff —— francs, —— months after date; and the said bill was duly presented for acceptance, and was dishonored by non-acceptance, whereupon the said bill was duly protested for non-acceptance thereof, of all of which the defendant had due notice, and thereupon the defendant accepted the said bill under the said protest, and the said bill was duly presented to the said —— —— (the drawee) for payment, when it became due, and he did not pay the same, whereupon it was duly protested for non-payment thereof; of all which the defendant had due notice, but did not pay the same. (Insert the averment at end of form for drawee against acceptor of a foreign bill, if expenses are claimed.)

Indorsee against acceptor of a foreign bill, payable at usances.

That —— ——, on the —— day of ——, 18—, in parts beyond the seas, to wit, at ——, in the empire (or kingdom) of ——, by his bill of exchange now overdue, directed to the defendant, required him to pay to —— ——, or order, —— (thalers) at —— usances; and the said —— —— indorsed the said bill to the plaintiff, and the defendant accepted the said bill, but did not pay the same. (Insert averment as above, if expenses are claimed.)

Payee against drawer for default of acceptance.

That the defendant, on the ——— day of ———, 18—, in parts beyond the seas, to wit, at ———, in the empire (or kingdom) of ———, by his foreign bill of exchange, directed to ——— ———, required him to pay to the plaintiff ——— (francs) ——— months after date; and the said bill was duly presented for acceptance, and was dishonored by non-acceptance; whereupon it was duly protested for non-acceptance thereof, of all which the defendant had due notice, but did not pay the said bill. (Aver as above, if expenses are claimed.)

Indorsee against drawer for default of payment.

That defendant, on the ——— day of ———, 18—, (at Paris, in the empire of France,) by his foreign bill of exchange, now overdue, directed to ——— ———, required him to pay to the defendant, or order, ——— (francs) ——— months after date, and the defendant indorsed the said bill to the plaintiff; and the said bill was duly presented for payment, and was dishonored, whereupon it was duly protested for non-payment, of all which the defendant had due notice, but did not pay the same.

ON OTHER CONTRACTS.

Breach of promise of marriage.

That the plaintiff and defendant agreed to marry one another, and a reasonable time for such marriage has elapsed, and the plaintiff has always been ready and willing to marry the defendant, yet the defendant has neglected and refused to marry the plaintiff.

That the plaintiff and defendant agreed to marry one another on a day now elapsed, and the plaintiff was ready and willing to marry the defendant on that day, yet the defendant has neglected and refused to marry the plaintiff.

Warrantee of a horse.

That the defendant, by warranting a horse to be then sound and quiet to ride, sold said horse to the plaintiff, yet the said horse was not then sound and quiet to ride.

On a guarantee.

That the defendant, in consideration that the plaintiff would supply ——— ——— with goods on credit, promised the plaintiff to be answerable to him for the same; and the plaintiff did accordingly supply the said ——— ——— with goods to the price of $——— and upward on credit, which credit has elapsed, yet neither the said ——— ——— nor the defendant has paid for said goods.

For a breach of the terms of a parol demise of premises.

That the defendant became the plaintiff's tenant of lands and premises, on the terms, during his tenancy, to keep the same in tenantable repair, and use them in a tenantable and proper manner, and cultivate and manage the land according to good husbandry and the custom of the country, (according to the terms of the demise,) yet the defendant did not, during said tenancy, keep said premises in tenantable repair, nor did he cultivate and manage said land according to the course of good husbandry and the custom of the country, but suffered the premises to become and remain out of repair, and use the land in an untenantlike and improper manner.

For not loading pursuant to charter-party.

That the plaintiff and the defendant agreed by charter-party that the plaintiff's ship, called the Ariel, should with all convenient speed sail to Georgetown, D. C., or so near thereto as she could safely get, and that the defendant should there load her with a full cargo of wheat, (or other lawful merchandise,) which she should carry to Wilmington, in the State of Delaware, and there deliver, on payment of freight, $——— per ton, and that the defendant should be allowed ten days for loading, and ten days for discharge, and ten days for demurrage, if required, at $——— per day; and the plaintiff did all things necessary on his part for him to have the agreed cargo loaded on board the said ship at Georgetown, and that the time for so doing has elapsed, yet the defendant made default in loading the agreed cargo.

Upon a lease for rent.

That the plaintiff let to the defendant a house, No. 512 M street north, between Ninth and Tenth streets, Washington City, D. C., for seven years, to hold from the ——— day of ———, 18—, at $——— a year, payable quarterly, of which rent ——— quarters are due and unpaid, to wit, the rent due on the ——— day of ——— and on the ——— day of ———, 18—.

Upon a covenant to repair.

That the plaintiff (by deed) let to the defendant a house, No. 512 M street north, between Ninth and Tenth streets, Washington City, to hold for seven years from the —— day of ———, 18—, and the defendant, by the said deed (covenanted) with the plaintiff, well and substantially to repair the said house during the said term, (according to the covenant,) yet the said house was, during said term, out of good and substantial repair.

On a deed generally.

That by deed the defendant covenanted with the plaintiff to pay the plaintiff $——— on ——, but he has not paid the same.

On a mortgage deed for principal and interest.

That the defendant, by deed, covenanted with the plaintiff to pay to him $—— on the —— day of ———, 18—, together with interest thereon at the rate of six per centum per annum, but did not pay the same, (or if the interest has been paid) did not pay the said $——.

Upon a bond, not stating the condition, or a breach of it.

That the defendant, by his bond, became bound to the plaintiff, in the sum of $——, to be paid by the defendant to the plaintiff, but has not paid the same.

Upon a bond, stating the condition and breach.

That the defendant, by his bond, became bound to the plaintiff in the sum of $——, to be paid by the defendant to the plaintiff; which said bond was subject to a certain condition thereunder written, for the payment of the sum of $—— a year to the plaintiff by the defendant, during the said defendant's life, (if for the life of another person say "during the life of ——— ———, who is still living,") payable half-yearly, on the —— day of ———, and the —— day of ——— in every year; and afterward, on the —— day of ———, 18—, the sum of $——, for two of said half-yearly payments of said annuity became and was due and payable to the plaintiff, and is still unpaid.

On a judgment.

That the plaintiff, on the —— day of ———, 18—, in the superior court of the county and city of New York, by the judgment of the said court, recovered against the defendant $——, together with $—— for costs of suit, whereof the defendant was convicted, and the plaintiff has not obtained any execution or satisfaction of the said judgment, and the same remains unsatisfied.

ON TORTS.

Trespass on land.

That the defendant broke and entered certain lands of the plaintiff, called Analosta, and depastured the same.

Assault, battery, and false imprisonment.

That the defendant assaulted and beat the plaintiff, gave him into the custody of a policeman, and caused him to be imprisoned in a police-station.

The like in a fuller form.

That the defendant assaulted the plaintiff, and gave him into the custody of a policeman, and forced and compelled him to go to a police-station, and caused him to be imprisoned there on a false charge, then made by the defendant, that the plaintiff had been guilty of a felony, and caused him to be kept in prison for a long time, until he was afterward brought in custody before the police court for the District of Columbia; and the defendant again charged him with said offense, but the said court dismissed the said charge, and caused him to be discharged out of custody.

For seduction.

For that the defendant debauched and carnally knew one ———, being the (daughter and) servant of the plaintiff, whereby she became pregnant with a child, and was

afterward delivered of it; and thereby the plaintiff, for a long time, lost and was deprived of the services of the said ———, and incurred expenses in and about the nursing and taking care of her in and about the delivery of the said child, and was otherwise injured.

Wrongful conversion of goods.

That the defendant converted to his own use, and wrongfully deprived the plaintiff of the use and possession of the plaintiff's goods; that is to say, the following household furniture, (or, as the case may be.)

Wrongful detention of property, &c.

That the defendant detains from the plaintiff his title-deeds of the lands called Fairfield, in the District of Columbia; that is to say, (describe the deeds.)

Damage done to goods by carrier.

That the defendant, being a common carrier of goods for hire, the plaintiff delivered to him, as such common carrier, and he as such received from him certain goods of the plaintiff, to wit, ten barrels of flour, to be carried by him for the plaintiff from Georgetown to New York, and there to be delivered by the plaintiff for reward to him on that behalf. Yet the defendant, while he so had the goods for the purpose aforesaid, did not take due and proper care of the same, but wholly neglected to do so, and so carelessly, negligently, and improperly carried and delivered the same, and took such bad care thereof, that by his negligence, carelessness, and improper conduct in this behalf, the said goods became and were damaged, and divers of the same were lost to the plaintiff.

The like for not delivering goods.

That the defendants, being common carriers of goods for hire, the plaintiff delivered to them, as such common carriers, and they as such received from him certain goods of the plaintiff, to wit, ten barrels of flour, to be carried by them for the plaintiff from Georgetown to New York, and there to be delivered by them to the plaintiff for reward to them in that behalf; yet the defendants, although a reasonable time for that purpose has elapsed, have not delivered the said goods to the plaintiff at New York aforesaid or elsewhere; and the same have, by reason of the defendant's negligence, carelessness, and improper conduct in that behalf, become loss to the plaintiff.

Diverting water from a mill.

That the plaintiff was possessed of a mill, and by reason thereof was entitled to the flow of a stream for working the same, and the defendant, by cutting the bank of the said stream, diverted the water thereof away from the said mill.

Infringement of a patent.

That the plaintiff was the original and first inventor or discoverer of a new and useful improvement in grain and grass harvesters, and thereupon the United States of America, by letters-patent under the seal of the Patent-Office of said United States, granted the plaintiff the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said improvement, within the said United States, for the term of fourteen years, from the —— day of ———, 18—, and the defendant, during the said term, did infringe the said patent-right.

Defamation of character.

That the defendant falsely and maliciously spoke and published of the plaintiff the words following: that is to say, "He is a thief," whereby the plaintiff lost his situation as messenger for the Commissioner of Patents, in the employ of said Commissioner.

Libel.

That the defendant falsely and maliciously printed and published of the plaintiff, in a newspaper called "———," the words following: that is to say, "He is a regular prover under bankruptcies;" the defendant meaning thereby that the plaintiff had proved, and was in the habit of proving, fictitious debts against the estate of bankrupts, with the knowledge that such debts were fictitious.

Malicious prosecution.

That the defendant falsely and maliciously, and without any reasonable or probable cause, appeared before a justice of the peace in and for the county of Washington, in the District of Columbia, and made complaint before said justice, charging the plaintiff with having stolen, (as in the information laid before the magistrate;) and, upon such complaint and charge, procured the said justice to grant, and the said justice did accordingly grant, his warrant for the apprehension of the plaintiff, and for bringing the plaintiff before the police court of the said District, to be dealt with according to law for the said alleged offense; and the said defendant, under and by virtue of the said warrant, procured the plaintiff to be arrested, and to be imprisoned in a police-station, and afterward brought in custody before the said police court, (according to the fact,) which, having heard the said charge, dismissed the same, and discharged the plaintiff out of custody.

Obstructing way.

That the plaintiff was possessed of a tract of land, to which there was a way from (the other terminus,) which the plaintiff had a right to use as a footway or carriage-way; and the defendant (erected a fence across said way and placed stones in the same,) so that the plaintiff could not use the same.

Immoderate riding.

That the defendant hired from the plaintiff a horse to ride from ——— to ———, and from thence back to ———, in a proper manner; and the defendant rode said horse so immoderately, that he became sick and lame, and was greatly injured in value.

Negligence of railroad company.

That the defendant is a corporation, owning a street-railroad, called the ——— rail road; that the plaintiff was a passenger on said road, and by reason of the insufficiency of an axle of the car in which he was riding, the plaintiff was hurt; that the defendant did not use due care in regard to said axle, but the plaintiff did use due care.

Obstructing a drain.

That the plaintiff is lawfully possessed of a dwelling-house and lot in the city of Washington, and by reason thereof is entitled to have a certain drain or sewer, to drain off filth and water, leading from the cellar of said dwelling-house, (through and across Fifth street west, and thence beneath the land and lot of the defendant, into a certain public sewer there,) and the defendant obstructed, choked, and wholly stopped up the said drain and sewer, in a part thereof, in the said land and lot of the defendant, and still keeps and continues the same stopped up and obstructed, whereby the plaintiff has wholly lost the benefit and use of said drain or sewer.

Erecting a privy near plaintiff's dwelling.

That the plaintiff was and is seized in fee of a dwelling-house in the city of Washington, lately in the occupation of ———, as plaintiff's tenant thereof; and the defendant erected and built a privy near the wall of said dwelling-house, and has continued the said privy from its erection hitherto, and during all the time permitted the same to be full of ordure, excrement, and filth, which has soaked and penetrated through the wall of the said dwelling-house, and thereby greatly moldered, rotted, and spoiled the said wall; and by reason thereof, and by the nasty, noisome, foul, and stinking stench, vapors, and smells arising from said privy, penetrating and ascending into the said dwelling-house, the same has been annoyed and rendered noisome; and on account thereof, and for no other cause, the said tenant would not continue to hold said dwelling-house as tenant, without a great abatement of the rent, and, notwithstanding said abatement, has abandoned the same; and the said dwelling-house, by means thereof, has continued without a tenant for a long time.

For digging near the plaintiff's wall, so that it fell down.

That the plaintiff was owner of a dwelling-house, with the appurtenances, in the city of Washington; and the defendant dug away the ground near the foundation of said house, so that it tumbled down to the ground.

For diverting a water-course from a mill.

That the plaintiff is seized in fee of a grist-mill, with the appurtenances, situated on Rock Creek, in the District of Columbia, and for many years was used to have, and now ought to have, said creek running to said mill; and the defendant diverted a great part of the water thereof from the plaintiff's said mill, so that said mill, which before could grind twenty bushels of corn every hour, by reason of said diversion can grind no more than five bushels an hour.

For a penalty on a statute.

That the defendant did tap or open the water-main laid down by the United States in New Jersey avenue, between B and C streets south, in the city of Washington, without having obtained authority so to do, as by the statute in that behalf is directed, whereby the defendant forfeited for said offense $500, and has not paid the $500. (11 Statutes at Large, 436, § 5.)

REPLEVIN.

Declaration in replevin.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The plaintiff sues the defendant for unjustly detaining (wrongfully taking and detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of $——. And the plaintiff claims that the same be taken from the defendant and delivered to him; or if they are eloined, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at $——, besides cost.

EJECTMENT.

Declaration in ejectment.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No.—.

The plaintiff sues the defendant to recover the east twenty-five feet of lot No. 8, in square 448, in the city of Washington, fronting twenty-five feet on ——— street, and running back the depth of the lot, of which the plaintiff was lawfully possessed on the —— day of ———, 18—, when the defendant entered the same, and unlawfully withholds from the plaintiff the possession thereof, to his damage in the sum of $——. And the plaintiff claims the possession of said part of said lot, with the appurtenances and costs of suit.

PLEA.

Commencement and conclusion.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

1. The defendant says, (state first defense or plea.)
2. And for a further plea, defendant says, (state the second defense or plea.)
3. And for a further plea, the defendant says, (state the third defense or plea, and so on.)

If the plea is to part only of the declaration, say, And for a further plea to ——— (stating to what it is pleaded) the defendant says ———.

Every second and subsequent defense or plea must be written in a separate paragraph and numbered.

Commencement and conclusion of plea in estoppel.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The defendant says that the plaintiff ought not to be admitted to say (state the matter in the declaration to which the plea is in estoppel,) because he says that (state the subject-matter of the estoppel,) wherefore the defendant prays judgment if the plaintiff ought to be admitted against his own acknowledgment (deed) (the said record) (or whatever the matter of the estoppel may be) to say as in declaring he has alleged.

PLEAS IN ABATEMENT.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

Non-joinder.

The defendant says that if he is indebted to the plaintiff for the goods mentioned in his bill of particulars, he is indebted to him jointly with one E. F., who is still alive, and ought to be sued with him.

Misnomer.

The defendant says the plaintiff's name is John Stiles, and not James Stiles.

Commencement of plea by infant.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant,
who defends by his guardian, E. F. } At law, No. —.

The defendant says that (state the defense.)

PLEAS IN ACTIONS ON CONTRACT.

Money had and received.

That he never received the money mentioned in the plaintiff's bill of particulars, or any part thereof.

(Or, if the case be so,) That he received the money mentioned in the plaintiff's declaration, but denies that he received it to the plaintiff's use.

(Or,) That he never received the money mentioned in the plaintiff's bill of particulars, except the sum of fifty dollars.

Denial of plaintiff's or defendant's representative or fiduciary character.

That the plaintiff (defendant) is not executor, (or administrator, trustee, assignee,) as alleged.

Denial that defendant made the note, accepted the bill, &c., declared on.

That the defendant did not make said promissory note, (accept the said bill,) as alleged.

Denial of indorsement.

That the defendant (the said ——— ———) did not indorse the said promissory note, (bill,) as alleged.

Denial of notice of dishonor.

That the defendant did not have due notice (was not duly notified) of the dishonor of the said promissory note, (bill,) as alleged.

Denial of deed.

That the alleged deed is not his deed.

No record of judgment.

That there is no record of the said judgment.

Judgment recovered.

That the plaintiff impleaded the defendant in an action for the same identical claim and cause of action in the declaration mentioned, to wit, in the circuit court of Montgomery County, in the State of Maryland, and such proceedings were thereupon had in that action that the plaintiff afterward, by the judgment of that court, recovered against the defendant $——, for the same identical claim and cause of action in said declaration mentioned; which judgment remains in force.

Infancy of defendant.

That the defendant, at the time of contracting the said debt, (accepting the said bill, making the said deed, accruing of the said cause of action,) as alleged, was an infant, under the age of twenty-one years.

Coverture of defendant.

That the defendant, at the time of contracting the said debt, (accepting the said bill, making the said deed, accruing of the said cause of action,) as alleged, was the wife of —— ——.

Statute of limitations.

That the alleged cause of action did not accrue within (three) years before this suit.

Payment.

That before action he satisfied and discharged the plaintiff's claim by payment of the sum of —— dollars, which was the full amount stated in the plaintiff's bill of particulars.

(If there are several items, add,) And he annexes hereto a bill of particulars of said payment.

Satisfaction by delivery of goods.

That before the action he satisfied and discharged the plaintiff's claim, by delivery to him goods of the defendant, set forth in bill of particulars, hereto annexed, and by the plaintiff's accepting the same in such satisfation and discharge.

Set-off.

That the plaintiff, at the commencement of the suit, was, and still is, indebted to the defendant in the sum of $—— for ——, as appears by the particulars of the said debt, hereunto annexed; and he is willing that the same be set off against the plaintiff's demand.

(Or, if the amount of the set-off is greater than the plaintiff's demand,) And the defendant claim $——, with interest thereon from the —— day of ——, 18—, besides costs.

Tender.

And for a plea to the said $——, parcel, &c., the defendant says that he was always ready and willing to pay the plaintiff the said sum of $——, parcel, &c., and that before action he tendered and offered to pay the same to him, but he refused to accept it, and the defendant now brings the said $—— into court, ready to be paid to the plaintiff.

Payment into court.

That as to $——, parcel of the money claimed, (as to the —— count of the declaration,) the defendant brings into court $——, and says that the said sum is enough to satisfy the claim of the plaintiff in respect of the matter herein pleaded to.

Bankruptcy of defendant.

That the defendant became a bankrupt, within the true intent and meaning of the statute in force concerning bankrupts, and that the causes of action accrued to the plaintiff before the defendant so became bankrupt.

Release before action.

That after the alleged claim accrued, and before this suit, the plaintiff, by deed, released the defendant therefrom.

The like after action.

That after the commencement of this action the plaintiff, by deed, released the defendant from the said claim and causes of action, and his costs of suit herein.

After last continuance.

That after the last pleading in this action, and before this day, he satisfied and discharged the plaintiff's claim by payment, the plaintiff, by deed, released the defendant from said claim and causes of action, and his costs of suit herein, or whatever else may be the matter of defense.

PLEAS IN ACTIONS FOR TORTS.

Non detinet.

That the defendant did not, nor does, detain the said goods, (deeds,) or any or either of them, as alleged.

Traverse in trespass, if the premises being plaintiff's.

That the said dwelling-house (land) was not the plaintiff's, as alleged.

Traverse of the goods being plaintiff's.

That the said goods (according to the terms used in the declaration) were not, nor were any or either of them, the plaintiff's, as alleged.

Freehold in defendant, or another.

That the said dwelling-house and land were the dwelling-house and land, and soil and freehold, (of the defendant,) of ——— ———, and that the defendant committed the alleged trespass as his servant, and by his command.

Leave and license.

That he did what is complained of by the plaintiff's leave.

Lien in detinue.

That it was agreed between the plaintiff and defendant, in consideration of the defendant's advancing to the plaintiff $——, that the defendant should have a lien on the said goods and deeds until repayment thereof, with interest; that the defendant advanced to the plaintiff the $——, but the plaintiff has not repaid the same with interest; wherefore the defendant detained, and still detains, the said goods and deeds.

Truth of the alleged slander or libel.

That the said words complained of, as spoken (written) and published by the defendant, are true in this, that (state the facts concisely, showing the truth.)

Self-defense.

That the plaintiff first assaulted the defendant, who thereupon necessarily committed the alleged assault in his own defense.

Right of way.

That the defendant, at the time of the alleged trespass, was possessed of land, the occupiers whereof, for twenty years before this suit, enjoyed, as of right and without

interruption, a way on foot and with cattle and vehicles, from a public highway, over the said land of the plaintiff to the said land of the defendant, and from the said land of the defendant over the said land of the plaintiff to the said public highway, at all times of the year, for the more convenient occupation of the said land of the defendant, and that the alleged trespass was a use by the defendant of the said way.

REPLICATION.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The plaintiff joins issue upon the defendant's, (first plea,) (so much of the first plea as alleges that, &c.,) (specifying what or what part.)

To plea containing new matter. For example:

1. *To plea of release.*

That the alleged release is not the plaintiff's deed, (was procured by defendant's fraud.)

2. *To plea of set-off.*

That the alleged set-off did not accrue within six years before this suit.

3. *To plea of self-defense.*

That the plaintiff was possessed of land, whereon the defendant was trespassing and doing damage, whereupon the plaintiff requested the defendant to leave the said land, which the defendant refused to do, and thereupon the plaintiff gently laid his hands on the defendant in order to remove him, doing no more than was necessary for that purpose, which is the alleged first assault by the plaintiff.

4. *To plea of right of way.*

That the occupiers of the said land did not for twenty years before this suit enjoy, as of right and without interruption, the alleged way.

5. *To plea of no such record.*

That there is not any record of the said recovery (recognizance) (writ) in the said plea mentioned, remaining in the said court, (said circuit court of Montgomery county, in the State of Maryland,) as in said plea alleged.

Replication confessing part of a plea of payment.

And as to the defendant's second plea, except so far as it is pleaded and relates to the sum of $——, parcel of the money claimed, the plaintiff confesses and admits that the defendant did satisfy and discharge by payment, as in the said plea alleged, the plaintiff's claim as to the said sum of $——, parcel, &c., and the plaintiff says that he will not further prosecute his suit against the defendant as to said sum of $——, parcel, &c.; and as to the residue of the defendant's second plea, the plaintiff takes issue thereon.

Replication admitting part of a plea of set-off.

The plaintiff takes issue on the defendant's second plea, except so far as relates to the sum of $——, parcel of the amount in which the plaintiff is therein alleged to be indebted to the defendant; and as to that plea, so far as it relates to those sums, parcel, &c., the plaintiff admits that he was and is indebted to the defendant in the sum of $——, parcel of the money in which he is, in that plea, alleged to be indebted, and the plaintiff is willing to set off the said sum of $——, parcel of the money claimed by him, against the said sum of $——, in which he was and is so indebted to the defendant, and he does set off the same accordingly, and says that he will not further prosecute his claim or suit against the defendant for or in respect of the same.

REJOINDER.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The defendant joins issue upon the plaintiff's replication to the defendant's (pleas,) (first plea,) (second plea,) (as the case may be.)

DEMURRER.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The defendant (plaintiff) says that the declaration (plea) is bad in substance.

(Insert in the margin, or below the demurrer, the following:) *Note.*—One of the matters of law intended to be argued is, that, &c. (State the ground of the demurrer concisely.)

JOINDER IN DEMURRER.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The plaintiff (defendant) says that the declaration (plea) is good in substance.

CHAPTER XLVI.—OATHS AND AFFIRMATIONS.

SECTION 1. The form of oath to be administered in the District shall be:

You do solemnly swear that, (as the case requires.) So help you God.

And during the administration thereof the person sworn shall, if practicable, raise his right hand.

SEC. 2. If any person about to be sworn shall say that he regards any particular form of adjuration as more binding on him than another, he shall be sworn after that method.

SEC. 3. The form of an affirmation shall be:

You do solemnly affirm, under the pains and penalties of perjury, that (as the case requires.)

And affirmations instead of oaths shall be administered to all persons so desiring.

TITLE III.—OF CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES.

CHAPTER I. Replevin.
II. Attachments.
III. Attachment for rent.
IV. Ejectment.
V. Allowance for improvements.
VI. Waste.
VII. Writs of mandamus, prohibition, certiorari, and information in the nature quo warranto.
VIII. Habeas corpus.

CHAPTER I.—REPLEVIN.

1. Form of declaration; affidavit.
2. Undertaking; writ of replevin.
3. How served.
4. Special pleas.
5. Assessment of damages by jury, when plaintiff succeeds.
6. When defendant succeeds.
7. Damages when goods are eloined.
8. Return of property on motion of defendant.
9. Undertakings on return.

1. The declaration in replevin shall be in the following or equivalent form:

The plaintiff sues the defendant for (wrongfully taking and detaining) (unjustly detaining) his (said plaintiff's) goods and chattels, to wit, (describe them,) of the value of ——— dollars. And the plaintiff claims that the same be taken from the defendant and delivered to him; or if they are eloined, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at ——— dollars, besides costs.

And at the time of filing the declaration, the plaintiff, or his agent or attorney, shall file an affidavit, sworn to before the clerk, stating—

(1.) That, according to affiant's information and belief, the plaintiff is entitled to recover possession of the chattels proposed to be replevied, being the same described in the declaration.

(2.) That the defendant has seized and detains, or detains the same.

(3.) The actual cash value of the same.

2. The plaintiff, or his agent, at the time of filing the declaration in replevin, shall enter into an undertaking, with sureties, approved by the clerk, to abide by and perform the judgment of the court in the premises, in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant.
} At law, No. —.

The plaintiff, and ——— ———, his surety, appear, and, submitting to the jurisdiction of the court, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, to abide by and perform the judgment of the court in the premises, which judgment may be rendered against all of us, (together with stipulation as provided for in Title II, Chapter XVIII.)

Upon filing said undertaking, the clerk shall issue a writ of replevin, as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., plaintiff,
vs.
C. D., defendant. } At law, No. —.

The President of the United States to the marshal of said District, greeting:

The plaintiff in this action having entered into this undertaking, with surety required by law, you are therefore hereby commanded to take the goods and chattels claimed by the plaintiff, to wit: (describe them) from the defendant, and deliver the same to the plaintiff. And warn the defendant to appear in said court, at the first special term thereof occurring twenty days after service of this writ, and answer said action, and that, if he make default in so doing, the plaintiff may proceed to judgment and execution.

Witness ——— ———, chief justice of said court.

——— ———, *Clerk.*

3. If the officer's return of the writ of replevin be, that he has served the defendant with copies of the declaration, notice to plead, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same, and damages for detention, or he may renew the writ, in order to get possession of the goods and chattels themselves. If the officer's return be, that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court may order that the defendant appear to the action by some fixed day; and of this order the plaintiff shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance; and if the defendant fail to appear, the court may proceed as in case of default after personal service.

4. If the defendant appear, he shall plead specially all matters of defense.

5. Whether the defendant plead, and the issue thereon joined is found against him, or his plea is held bad on demurrer, or he make default after personal service, or after publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where there is no issue of fact; and those damages shall be the full value of the goods, if eloined by the defendant, including, in every case, the loss sustained by the plaintiff by reason of the detention: and judgment shall pass for the plaintiff accordingly.

6. If the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages, or, on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue, or, where the plaintiff dismisses or fails to prosecute his suit, by the jury of inquest.

7. If the defendant has eloined the things sued for, the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things; and the judgment shall be that the plaintiff recover against the defendant the value of the goods as found, to be discharged by the return of the things, with damages for detention, which the jury shall also assess.

8. In all cases of replevin, the court shall have full power and authority, upon a motion being made by the defendant for a return of the property

taken in consequence of such replevin, to inquire into the circumstances and manner of the defendant's obtaining possession of such property; and if it shall appear that such possession was forcibly or fraudulently obtained, or that the possession, first being in the plaintiff, was afterwards got or retained by the defendant, without proper authority or right derived from the plaintiff, then the court may refuse to order a return to the defendant, until a judgment is given in the action.

9. In all cases where property shall be returned, under the authority of the preceding section, the defendant, or his agent, shall enter into an undertaking, with sureties approved by the clerk, to abide by and perform the judgment of the court in the premises, with stipulation as aforesaid.

CHAPTER II.—ATTACHMENTS.

1. Causes of attachment.
2. Forms of writ.
3. Upon what to be executed.
4. Undertaking of plaintiff.
5. Attachment without bond and affidavit is void.
6. Undertaking of defendant.
7. When court may order goods to be sold before final judgment.
8. When to be issued against one of several defendants.
9. When against joint debtors.
10. Defendants may be sued by reputed names.
11. Amendments of bond and affidavit; traverse of plaintiff's affidavit.
12. Judgment on undertaking.
13. When undertaking may be filed by agent.
14. Garnishment.
15. Proceedings when defendant cannot be found.
16. When defendant is summoned.
17. Not to move to quash without entering appearance.
18. Judgment not to be entered against garnishee until judgment against debtor.
19. Proceeding against garnishee.
20. Execution against garnishee.
21. Interrogatories to garnishee.
22. Denial of answers of garnishee.
23. Interpleader of third persons.
24. When execution is to be issued only against property attached.
25. Garnishee may avail of set-off.
26. Affidavits, before whom made.

1. If any creditor, his agent or attorney, shall file in the office of the clerk of the supreme court of the District, whether at the commencement or during the pendency of the suit, an affidavit, setting forth that any person is indebted to such creditor, in a sum exceeding one hundred dollars, stating the nature and amount of such indebtedness, as near as may be, and that either the defendant is a non-resident of the District; or, that the defendant evades the service of ordinary process, by concealing himself, or by withdrawing from the District; or, that he has removed, or is about to remove, some of his property from the District, so as to defeat just demands against him; or, that he has fraudulently conveyed or assigned his property or effects, so as to hinder or delay his creditors, within six months prior to the filing of such affidavit; or, that he has fraudulently concealed or disposed of his property or effects, so as to hinder or delay his creditors, within said six months; or, that he is about fraudulently to conceal, assign, or otherwise dispose of his property or effects, so as to hinder or delay his creditors, it shall be lawful for such clerk to issue a writ of attachment, directed to the marshal, returnable like other writs, commanding him to attach the lands, tenements, goods, chattels, rights, credits, moneys, and effects of said defendant, of every kind, or so much thereof as will be sufficient to satisfy the claim sworn to, with interest and costs of suit, in whose hands or possession the same may be found.

2. The writ of attachment required in the preceding section shall be substantially in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., plaintiff, }
vs. } At law, No. —.
C. D., defendant. }

The President of the United States to the marshal for said District, greeting :

You are hereby commanded to attach, seize, and take into your custody the defendant's lands, tenements, goods, chattels, rights, credits, moneys, and effects, which shall be found in this District, to the value of $———, the amount of the plaintiff's demand against the defendant, as shown by affidavit filed, and claimed in his declaration, and the further sum of $———, for the costs and charges which may and shall accrue in the premises, and the same, so attached, safely keep, subject to the orders of the court. And should you attach the defendant's lands, tenements, goods, chattels, rights, credits, moneys, and effects in the possession of any person, warn him to appear before said court, at its first special term occurring twenty days after service of this writ on him, to show cause why said lands, tenements, goods, chattels, rights, credits, moneys, and effects, so attached, should not be condemned, and execution thereof made.

Witness, ——— ———, chief justice.

——— ———, *Clerk.*

3. The marshal shall, without delay, execute such writ of attachment upon the lands, tenements, goods, chattels, rights, credits, moneys, and effects of the debtor, of sufficient value to satisfy the claim sworn to, with costs of suit, as commanded in said writ.

He shall also serve said writ of attachment, and the summons and declaration in the original suit, upon the defendant therein, if he can be found, by delivering a copy thereof. The return to such writ shall state the particular manner in which the same was served.

4. Before issuing an attachment as aforesaid, there shall be filed in the clerk's office the undertaking of the plaintiff, with sufficient sureties, to be approved by the clerk, to make good all costs and damages which the defendant may sustain by reason of the wrongful suing out of the attachment.

The form of the undertaking of the plaintiff may be as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., plaintiff, }
vs. } At law, No. —.
C. D., defendant. }

——— ———, as principal, and ——— ——— and ——— ———, sureties, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, to make good all costs and damages which the defendant may sustain by reason of the wrongful suing out of the attachment this day issued against said defendant; and the said principal and sureties hereby stipulate that, in the event of judgment being rendered against the principal, the said damages may be assessed by the court, in the above suit, and judgment rendered therefor against the principal or surety, or his representative, provided the defendant shall cause a notice to be served by the marshal, at least twenty days before the day of trial of said cause, on the principal or surety, or his representatives, to appear and defend this undertaking.

5. Every attachment issued without a bond and affidavit, taken and returned as aforesaid, is hereby declared illegal and void, and shall be dismissed.

6. The thing attached shall not be discharged from the custody of the seizing officer, or released from the operation of the attachment, until the defendant shall appear in the principal suit and deliver to the clerk, to be filed in the cause, his undertaking, with sufficient sureties, to be approved by the clerk, to satisfy and pay the final judgment of the court against the defendant in the principal suit. Before the clerk shall file or approve said undertaking, notice thereof shall be given to the plaintiff, or his attorney, for the purpose of excepting to the same.

7. If the defendant fail to execute an undertaking, as aforesaid, within five days after the same shall have been attached, the court may order the sale of the thing attached, whenever it is satisfied that it is the interest of the parties that it should be sold before final judgment.

8. In all cases where two or more persons are jointly indebted, either as partners or otherwise, and an affidavit shall be filed, as provided in the first section of this chapter, so as to bring one or more of such joint debtors within its provisions and amenable to the process of attachment, then the writ of attachment shall issue against the property and effects of such as are so brought within the provisions of this chapter; and the marshal shall be also directed in said writ to summon all such joint debtors as may be named in the affidavit filed in the case to answer to the said action, as in other cases of attachment.

9. When two or more persons, not residing in this District, are jointly indebted, either as joint obligors, partners, or otherwise, then the writ or writs of attachment shall and may be issued against debtors, or any of them, or against the heirs, executors, or administrators of them, or either of them; and the lands, tenements, goods, chattles, rights, credits, and effects of such debtors, or either of them, shall be liable to be seized and taken for the satisfaction of any just debt, and may be sold to satisfy the same.

10. It shall be sufficient, in all cases of attachment, to designate defendants by their reputed names, or by surnames, and joint defendants by their separate or partnership names, or by such names, styles, or titles as they are usually known; and heirs, executors, and administrators of deceased defendants shall be subject to the provisions of this chapter in all cases in which it may be applicable to them.

11. No writ of attachment hereafter to be issued shall be quashed, nor the property taken thereon restored, nor any garnishee discharged, on account of any insufficiency of the original affidavit, writ of attachment, or attachment undertaking, if the plaintiff, or some credible person for him, shall cause a legal and sufficient affidavit or attachment undertaking to be filed, or the writ to be amended in such time and manner as the court shall, in its discretion, direct; and in that event the cause shall proceed as if such proceeding had originally been sufficient: *Provided*, That if the defendant, his agent or attorney, shall file an affidavit traversing the affidavit of or for the plaintiff, the court shall determine whether the facts set forth in said affidavit of or for the plaintiff are true, and that there was just ground for issuing said writ of attachment; and if the court shall deem the facts do not sustain the affidavit of or for the plaintiff, it shall quash the writ of attachment. This issue may be tried by a justice at chambers on three days' notice.

12. In case the defendant be found liable to the plaintiff's claim, in whole or in part, the final judgment shall be that the plaintiff recover against the defendant and his sureties, provided notice be given, as hereinbefore provided in the chapter on bonds and undertakings in legal proceeedings.

13. Whenever the plaintiff or defendant shall be under twenty-one years, or of unsound mind, or without the District, the agent of said plaintiff or defendant may file his undertaking with sureties as aforesaid, in the place of the undertaking of the plaintiff or defendant, as required aforesaid.

14. When the marshal shall be unable to find property of any defendant, sufficient to satisfy any attachment issued under the provisions of this chapter, he is hereby required to summon all persons within the District whom the creditor shall designate, as having any property,

effects, or choses in action, in their possession or power, belonging to the defendant, or who are in anywise indebted to such defendant, to appear before the court, on or before the first special term of the court occurring twenty days after service of the writ on them, then and there to answer upon oath what amount they are indebted to the defendant in the attachment, or what property, effects, or choses in action he or she had in his or her possession or power at the time of serving the attachment. The person or persons so summoned shall be considered as garnishees, and the marshal shall state in his return the names of all persons so summoned, and the date of service on each.

15. When any attachment shall be issued and levied on any lands, tenements, goods, and chattels, or service on a garnishee, and the defendant has not been served with the writ of summons in the suit to which the attachment is ancillary, the clerk shall give notice by publication of such attachment, and at whose suit, against whose and what property, and for what sum the same has been issued; and that, unless the defendant shall appear on or before the day therein named, judgment will be entered against the said property, and the property attached will be sold. And if the defendant shall fail to appear as required, judgment by default may be entered as aforesaid, and the property sold for the satisfaction of the same.

16. If any attachment as aforesaid shall be returned executed, and the writ of summons in the principal suit is duly served on the defendant, and the estate and property shall not have been replevied, or released on the undertaking of the defendant, or the attachment quashed, the said estate and property so attached shall be held to abide the final judgment in the principal suit. In which event, if judgment shall be given in the principal suit for the plaintiff, the estate and property attached shall be sold, for its satisfaction, and when taken on a writ of fieri facias. If judgment shall be given for the defendant, the same shall be returned to the defendant.

17. No defendant shall be allowed to move to quash any attachment, for any cause whatsoever, unless he shall first enter his appearance in the principal suit; but any defendant may appear and plead in the principal suit without filing any undertaking.

18. When an attachment shall be returned served in the hands of any garnishee, it shall be lawful, upon his appearance and examination in the manner as is by this chapter directed, to enter up judgment, and award execution against every such garnishee; judgment either having been first entered against the original debtor by default in the attachment, or final judgment against him in the principal suit. All goods and effects whatsoever, in the hands of any garnishee, belonging to such defendant, shall also be liable to satisfy such judgment.

19. When any garnishee shall be summoned by the marshal in the manner aforesaid, and shall fail to appear and discover on oath or affirmation, in answer to interrogatories as hereinafter provided for, it shall be lawful for the court, after solemnly calling the garnishee, and it is hereby authorized and required, to enter a conditional judgment against such garnishee, and thereupon a notice shall issue to such garnishee, returnable to the first special term of the court occurring twenty days after service thereof, to show cause, if any he have, why final judgment should not be entered against him; if such garnishee shall fail to appear accordingly, and discover on oath or affirmation, as aforesaid, the court shall confirm such judgment, and award execution for the plaintiff's whole judgment and costs; and if, upon the examination of any garnishee, it shall appear to the court that there is any of the defendant's

estate in the hands of any persons who have not been summoned, the court shall, upon motion of the plaintiff, grant a judicial attachment, to be levied upon the property in the hands of such person having any of the estate of the defendant in his possession or custody, who shall appear and answer, and be liable as other garnishees. When any garnishee shall deliver to the marshal all the goods, chattels, and effects whatsoever, found or confessed to be in his possession, belonging to the defendant, or any part thereof, the same shall be received in discharge of so much of the judgment as the same shall be appraised to by a jury, who shall inquire and return the value thereof, according to the evidence which may be submitted to them relative thereto.

20. Whenever judgment shall be rendered against any garnishee, and it shall appear that the debt from him to the defendant in the attachment is not yet due, execution shall not issue against him until four days after the same shall become due; nor shall judgment be rendered against a garnishee, for a debt founded on a negotiable instrument, unless the same shall be due at the time of rendering the judgment.

21. If any such writ of attachment shall be served as aforesaid, it shall and may be lawful for any such plaintiff, at any time during the special term of the court to which any garnishee is required to appear, to prepare, exhibit, and file all and singular such allegations and interrogatories in writing, upon which he shall be desirous to obtain and compel the answer of any garnishee, touching the lands, tenements, goods, chattels, moneys, credits, and effects of said defendant, and the value thereof, in his possession, custody, or charge, or from him due and owing to the said defendant at the time of the service of the said writ, or at any time after, or which shall or may thereafter become due; and it shall be the duty of each and every such garnishee to exhibit and file, under his oath or affirmation, on or before the first special term of the court occurring twenty days after service of a copy of said interrogatories on him, full, direct, and true answers to all and singular the allegations and interrogatories by said plaintiff exhibited as aforesaid.

22. Whenever the plaintiff in any attachment shall allege that any garnishee, summoned in such attachment, has not discovered the true amount of debts due from him to the defendant, or what goods and chattels belonging to the defendant are in his possession, the court shall direct, without the formality of pleading, a jury to be impaneled immediately, (unless good cause be shown by either party for a continuance,) to inquire what is the true amount due from such garnishee to the defendant, and what lands, goods, and chattels are in his possession, belonging to the defendant. Upon such examination, witnesses may be examined by the respective parties, as in ordinary cases. If the finding of the jury shall be against such garnishee, the court shall grant judgment in the same manner as if the facts found by the jury had been confessed by him in his answers to interrogatories, and costs of inquest; and if the jury find in favor of the garnishee, he shall recover his costs against the plaintiff.

23. In all cases of attachment, any person other than the defendant, claiming the property attached, may interplead, but the property attached shall not thereby be replevied; and the court shall immediately (unless good cause be shown by either party for a continuance) direct a jury to be impaneled to inquire into the right of the property; in all cases where the jury find for a claimant, such claimant shall be entitled to his costs; and where the jury find for the plaintiff in the attachment, such plaintiff shall recover his costs against such claimant.

24. If judgment by default shall be entered on any attachment against

the estate of the defendant, where the defendant has not been served with process, no execution shall issue thereon, except against the lands, tenements, goods, and chattels on which the attachment may have been served, or against a garnishee, who shall have money or other property in his hands belonging to the defendant.

25. Any garnishee may avail himself in his defense of any set-off properly pleadable by the laws of this District, notwithstanding such set-off may not be due at the time of suing out such attachment, or at the trial thereof; any claim due, or not due, may be set off by the garnishee, whether it exist against the plaintiff or defendant in the attachment.

26. The affidavit required in the first section of this chapter may be sworn to before any officer authorized by the laws of this District to administer oaths, or by any officer of the United States, or of any State or Territory thereof; the fact that the person administering such oath is duly authorized, to be proved in the same manner as in the acknowledgment and authentication of deeds.

CHAPTER III.—ATTACHMENT FOR RENT.

1. Distress for rent abolished—attachment.

1. The power claimed and exercised as of common right, by every landlord, of seizing, by his own authority, the personal chattels of his tenant for rent arrear, is hereby abolished, and, instead of it, the landlord shall have a tacit lien upon such of the tenant's personal chattels, upon the premises, as are subject to execution for debt, to commence with the tenancy and continue for three months after the rent is due, and until the termination of any action for such rent brought within said three months. And this lien may be enforced—

(1.) By attachment at law, to be issued upon affidavit that the rent is due and unpaid; or, if not due, that the defendant is about to remove or sell all or some of said chattels; or,

(2.) By judgment against the tenant and execution, to be levied on said chattels, or any of them, in whosesoever hands they may be found; or,

(3.) By action against any purchaser of any of said chattels, with notice of the lien, in which action the plaintiff may have judgment for the value of the chattels purchased by the defendant, but not exceeding the rent arrear and damages.

CHAPTER IV.—EJECTMENT.

1. To be brought as heretofore.
2. Also in cases of writ of right and of dower.
3. What title plaintiff shall possess.
4. Who to be named defendant.
5. Real claimants to be plaintiffs.
6. Fictions abolished.
7. Averments of declaration.
8. Description of property.
9. Not necessary to prove defendant was in possession, unless, &c.
10. Averments when action is brought for dower.
11. Several counts may be added.
12. Notice to plead.
13. Service of writ when premises are occupied.
14. When not occupied.
15. Pleas and demurrers.
16. Consent rule abolished.
17. Not necessary to prove an actual entry under title.

18. Nor to prove lease, entry, or ouster.
19. Except in case of co-tenants.
20. Verdict when action is against joint defendants.
21. When against several defendants.
22. General and particular cases.
23. When right expires before trial.
24. Abatement.
25. General judgment.
26. May recover less than whole.
27. Commissioners to be appointed in case of dower.
28. Writ of possession.
29. Estoppel.
30. Exceptions.
31. Judgments by default to be final after five years.
32. New trial after execution not to revest defendant.
33. Mesne profits.
34. When judgment is by default.
35. Claim of allowance for improvements.
36. How to be estimated.
37. Possession of part not to be construed as possession of the whole.
38. Court may postpone assessment of damages.
39. Mesne profits from third parties.
40. Contract of purchase.
41. Executed trusts.
42. In two preceding sections notice to be given in writing.

1. The action of ejectment may be brought in the cases and the manner heretofore accustomed, subject to the provisions hereinafter contained.

2. It may also be brought:

(1.) In the same cases in which a writ of right may now be brought by law to recover lands, tenements, or hereditaments, and by any person claiming an estate therein, in fee or for life, or for years, either as heir, devisee, purchaser, or otherwise.

(2.) By any widow entitled to dower.

3. No person shall recover in ejectment unless he has, at the time of commencing the action, a valid, subsisting interest in the premises claimed, and a right to recover the same, or to recover the possession thereof, or of some share, interest, or portion thereof.

4. If the premises for which the action is brought are actually occupied by any person, such actual occupant shall be named defendant in the declaration; if they are not so occupied, the action shall be brought against some person exercising acts of ownership in the premises claimed, or claiming title thereto, or some interest therein, at the commencement of the suit. If a lessee be made a defendant, at the suit of a party claiming against the title of his landlord, such landlord may appear and be made a defendant, with, or in the place of his lessee.

5. The action shall be commenced by the service of a declaration, in which the names of the real claimants shall be inserted as plaintiffs; and all the provisions of the law concerning lessors of a plaintiff shall apply to such plaintiffs.

6. The use of fictitious names of plaintiffs or defendants, and of the names of any other than the real claimants and the real defendants, and the statements of any lease or demise to the plaintiff and of an ejectment by a casual or nominal ejector, are hereby abolished.

7. It shall be sufficient for the plaintiff to aver in his declaration, that (on some day therein to be specified, and which shall be after his title accrued) he was possessed of the premises in question, (describing them, as hereinafter provided,) and being so possessed thereof, that the defendant entered the same, and unlawfully withholds from the plaintiff the possession thereof, to his damage, such sum as the plaintiff shall state.

8. The premises claimed shall be described in the declaration with convenient certainty, so that, from such description, possession thereof may be delivered.

9. It shall not be necessary in trials of actions of ejectment, when it shall appear by the return that the defendant was in possession of the premises at the time when said suit was brought, for the plaintiff to

prove that said defendant was in possession at the time of bringing such suit, unless the defendant shall, by special plea, deny that he was in possession; and the plea of "not guilty" shall not put in issue the possession of said property.

10. If the action be brought for the recovery of dower, the declaration shall state that the plaintiff was possessed of the one undivided third part of the premises, as her reasonable dower, as widow of her husband, naming him. In every other case the plaintiff shall state whether he claims in fee, or whether he claims for his own life, or the life of another, or for a term of years, specifying such life, or the duration of such term.

11. In any case other than where the action shall be brought for the recovery of dower, the declaration may contain several counts, and several parties may be named as plaintiffs jointly in one count and separately in others.

12. To such declaration there shall be subjoined the ordinary notice to plead.

13. If the premises are actually occupied, the declaration shall be served by delivering a copy thereof, with the notice above prescribed, to the defendant named therein, who shall be in the occupancy thereof, or by leaving the same with some person of the family of the age of fourteen years or upwards, at the dwelling-house of such defendant, if he be absent.

14. If the premises claimed are not actually occupied, the declaration and notice shall be served on the defendant named therein; or, if he cannot be found, by leaving the same with some person of the family, of the age of fourteen years or upwards, at the residence of the defendant; where the declaration shall have been served upon the defendant personally, and he shall fail to appear and plead, as required, his default shall be entered and judgment given against him; but where the declaration shall have been served in any other manner than upon the defendant, personally, no judgment by default shall be entered, except in the discretion of the court.

15. The defendant may demur to the declaration, as in personal actions, or plead thereto, or do both. But he shall plead the general issue only, which shall be, that the defendant is not guilty of unlawfully withholding the premises claimed by the plaintiff, as alleged in the declaration; and the filing of such plea or demurrer shall be deemed an appearance in the cause; and upon such plea, the defendant may give the same matter in evidence, and the same proceedings shall be had, as upon the plea of not guilty in the present action of ejectment, except as herein otherwise provided. The defendant may likewise give in evidence any matter which, if pleaded in the present writ of right, or action of dower, would bar the action of the plaintiff.

16. The consent rule, heretofore used, is hereby abolished.

17. It shall not be necessary for the plaintiff to prove an actual entry under title, nor the actual receipt of any of the profits of the premises demanded; but it shall be sufficient for him to show a right to the possession of such premises at the time of the commencement of the suit, as heir, devisee, purchaser, or otherwise.

18. It shall not be necessary on the trial for the defendant to confess, nor for the plaintiff to prove, lease, entry, and ouster, or either of them, except as provided in the next section; but this section shall not be construed to impair, nor in any way to affect, any of the rules of evidence now in force in regard to the maintenance and defense of the action.

19. If the action be brought by one or more tenants in common, joint tenants, or coparceners, against their co-tenants, the plaintiff, in addition to all other evidence which he may be bound to give, shall be required to prove, on the trial of the cause, that the defendant actually ousted such plaintiff, or did some other act amounting to a total denial of his right as such co-tenants.

20. If the action be brought against several defendants, and a joint possession of all be proved, the plaintiff shall be entitled to a verdict against all, whether they shall have pleaded separately or jointly.

21. When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels, in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed; which election shall be made before the testimony in the cause shall be deemed to be closed; and a verdict shall thereupon be rendered for the defendants not so proceeded against.

22. In the following cases the verdict shall be rendered as follows:

(1.) If it be shown on the trial that all the plaintiffs have a right to recover the possession of the premises, the verdict in that respect shall be for the plaintiffs generally.

(2.) If it appear that one or more of the plaintiffs have a right to the possession of the premises, and that one or more have not such right, the verdict shall specify for which plaintiff the jury find, and as to which plaintiff they find for the defendant.

(3.) If the verdict be for any plaintiff, and there be several defendants, the verdict shall be rendered against such of them as were in possession of the premises, or as claimed title thereto, at the commencement of the action.

(4.) If the verdict be for all the premises claimed, as specified in the declaration, it shall in that respect be for such premises generally.

(5.) If the verdict be for a part of the premises described in such declaration, the verdict shall particularly specify such part, as the same shall have been proved, with the same certainty hereinbefore required, in the description of the premises claimed.

(6.) If the verdict be for an undivided share or interest in the premises claimed, it shall specify such share or interest; and if an undivided share in a part of the premises claimed, it shall specify such part of the premises, as hereinbefore required.

(7.) The verdict shall also specify the estate, which shall have been established on the trial by the plaintiff, in whose favor it shall be rendered, whether such estate be in fee, for his own life or for the life of another, stating such lives; or whether it be for a term of years, and specifying the duration of such term.

23. If the right or title of a plaintiff in ejectment expire after the commencement of the suit, but before the trial, the verdict shall be rendered according to the fact, and judgment shall be entered that he recover his damages by reason of the withholding of the premises by the defendant, to be assessed by the same jury; and that, as to the premises claimed, the defendant go thereof without day.

24. The action of ejectment shall not be abated by the death of any plaintiff or defendant, but the same proceedings may be had as in other actions, to substitute the names of those who may succeed to the title of the plaintiff so dying, in which case the issue shall be tried as between the original parties; and in case of the death of a defendant, the cause shall proceed against the other defendants.

25. In cases where no other provision is made, the judgment in the action, if the plaintiff prevail, shall be that the plaintiff recover the

possession of the premises according to the verdict of the jury, if there was such verdict; or, if the judgment be by default, according to the description thereof in the declaration, with costs to be taxed.

26. The plaintiff may recover any specific or any undivided part or share of the premises, though it be less than he claimed in the declaration.

27. If the action be brought to recover the dower of any widow, which shall not have been assigned before the commencement of such action, the court in which the judgment is rendered may have dower assigned by commissioners appointed for that purpose.

28. The plaintiff recovering judgment shall be entitled to a writ of possession, which shall be substantially in the following form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——— 18—

A. B., plaintiff,
v. } At law, No. —.
C. D., defendant.

The President of the United States to the marshal for said District, greeting:

Whereas A. B. has lately, in the said court, by judgment thereof, recovered against C. D. one messuage, &c., (describing the premises recovered with the like certainty as above provided,) which said premises have been, and are still, unjustly withheld from the said A. B. by the said C. D., whereof he is convicted, as appears of record; and forasmuch as it is adjudged in the said court that the said A. B. have execution upon his said judgment against the said C. D., according to the force, form, and effect of his said recovery: therefore, you are hereby commanded that, without delay, you deliver to the said A. B. possession of the premises so recovered, with the appurtenances. (If judgment for mesne profits and costs was given and are to be collected, the proper clause may be here inserted, or a separate execution may be issued therefor.) And return this writ into the clerk's office of said court within six months, so indorsed as to show when and how you have executed the same.

Witness: ——— ———, chief justice of said court.

———— ———, *Clerk.*

29. Every judgment, in the action of ejectment, rendered upon a verdict, shall be conclusive as to the title established, in such action, upon the party against whom the same is rendered, and against all persons claiming from, through, or under such party, by title securing after the commencement of such action, subject to the exceptions hereinafter named.

30. If any person, against whom judgment in ejectment is rendered, shall be, at the time of the judgment, an infant, married woman, or insane, the judgment shall be no bar to an action, commenced within five years after the removal of such disability.

31. Every judgment in ejectment, rendered by default, shall, from and after five years from the time of entering the same, be conclusive upon the defendant, and upon all persons claiming from or through him, by title accruing after the commencement of the action; but within five years after the entering of such judgment, on the application of the defendant, his heirs or assigns, and upon the payment of all costs, recovered thereby, the court may vacate such judgment and grant a new trial, if such court shall be satisfied that justice will be promoted, and the rights of the parties more satisfactorily ascertained and established.

32. If the plaintiff shall have taken possession of premises by virtue of any recovery in ejectment, such possession shall not in any way be affected by the vacating of any judgment, as herein provided; and if the defendant recover in any new trial, he shall be entitled to a writ of possession, in the same manner as if he were plaintiff.

33. If the plaintiff file with his declaration a statement of the profits and other damages which he means to demand, and the jury find

in his favor, they shall at the same time, unless the court otherwise order, assess the damages for mesne profits of the land for any period not exceeding six years previously to the commencement of the suit until the verdict, and also the damages for any destruction or waste of the buildings or other property during the same time, for which the defendant is chargeable.

34. If there be no issue of fact tried in the cause, and judgment is to be rendered for the plaintiff on demurrer, default, or otherwise, the said damages shall be assessed by the court, unless either party shall move to have them assessed by a jury, or the court shall think proper to have them so assessed, in which cases a jury shall be impaneled to assess them.

35. If the defendant intend to claim allowance for improvements made upon the premises by himself or those under whom he claims, he shall file with his plea, or at a subsequent time before the trial, (if for good cause, allowed by the court,) a statement of his claim therefor, in case judgment be rendered for the plaintiff.

36. In such case the damages of the plaintiff, and the allowance to the defendants for improvements, shall be estimated, and the balance ascertained, and a judgment therefor rendered, as prescribed in the next chapter.

37. In a controversy affecting real estate, possession of part shall not be construed as possession of the whole, when an actual adverse possession can be proved.

38. On motion of either party, the court may order the assessment of such damages, and allowance, to be postponed until after the verdict on the title is recorded; when they may be made by the same or another jury.

39. Nothing in this chapter shall prevent the plaintiff from recovering mesne profits, or damages done to the premises, from any person other than the defendant, who may be liable to such action.

40. A vendor, or any person claiming under him, shall not at law, any more than in equity, recover against a vendee, or those claiming under him, lands sold by such vendor to such vendee, when there is a writing stating the purchase and the terms thereof, signed by the vendor or his agent, and there has been such payment or performance of what was contracted to be paid or performed on the part of the vendee as would in equity entitle him, or those claiming under him, to the conveyance of the legal title of such land from the vendor, or those claiming under him, without condition.

41. The payment of the whole sum, or the performance of the whole duty, or the accomplishment of the whole purpose, which any mortgage, or deed of trust, may have been made to secure or effect, shall prevent the grantee or his heirs from recovering at law, by virtue of such mortgage or deed of trust, property thereby conveyed, whenever the defendant would in equity be entitled to a decree, revesting the legal title in him, without condition.

42. A defendant shall not be allowed to avail himself of either of the two preceding sections, unless notice in writing of such defense shall have been given twenty days before the trial. Whether he shall or shall not make or attempt such defense, he shall not be precluded from resorting to equity for any relief to which he would have been entitled if said sections had not been enacted.

CHAPTER V.—ALLOWANCES FOR IMPROVEMENTS.

1. When allowed.
2. Measure of damages.
3. Not to extend beyond six years.
4. To be tried by jury.
5. When improvements exceed value of bond.
6. Judgments, how entered.
7. To constitute a lien.
8. As against remainderman.
9. Not to extend to mortgages.
10. Plaintiff may require value of land to be ascertained.
11. Value of premises, how estimated.
12. Owner may relinquish his estate.
13. Proceedings in such cases.
14. Proceeds, when to be considered real estate.
15. Eviction.

1. Any defendant against whom a judgment shall be rendered for land, where no assessment of damages has been made under the preceding chapter, may, at any time before the execution of the judgment, present a petition to the court rendering such judgment, stating that he, or those under whom he claims, while holding the premises under a title believed by him, or them, to be good, have made permanent improvements thereon, and praying that he may be allowed for the same, over and above the value of the use and occupation of such land; and thereupon the court may, if satisfied of the probable truth of the allegation, suspend the execution of the judgment, and impanel a jury to assess the damages of the plaintiff, and the allowances to the defendant for such improvements.

2. The jury, in assessing such damages, either under this chapter, or under the preceding chapter, shall estimate against the defendant the clear annual value of the premises during the time he was in possession thereof, (exclusive of the use by the tenant of the improvements thereon made by himself, or those under whom he claims,) and also the damages for waste or other injury to the premises committed by the defendant.

3. The defendant shall not be liable for such annual value for any longer time than six years before the suit, or for damages for any such waste or other injury done before said six years, unless where he claims for improvements as aforesaid.

4. If the jury shall be satisfied that the defendant, or those under whom he claims, made, on the premises, at a time when there was reason to believe the title good under which he or they were holding the said premises, permanent and valuable improvements, they shall estimate in his favor the value of such improvements as were so made before notice in writing of the title under which the plaintiff claims, not exceeding the amount actually expended in making them, and not exceeding the amount to which the value of the premises is actually increased thereby, at the time of the assessment.

5. If the sum estimated for the improvements exceed the damages estimated by the jury against the defendant, as aforesaid, they shall then estimate against him, for any time before the said six years, the rents and profits accrued against, or damage for waste or other injury done by, him or those under whom he claims, so far as may be necessary to balance his claim for improvements; but in such case he shall not be liable for the excess, if any, of such rents and profits or damages, beyond the value of the improvements.

6. After offsetting the damage assessed for the plaintiff, and the allowances to the defendant for improvements, if any, the jury shall find a verdict for the balance for the plaintiff or defendant, as the case may be, and judgment shall be entered therefor, according to the verdict.

7. Any such balance due to the defendant shall constitute a lien upon the land recovered by the plaintiff until the same shall be paid.

8. If the plaintiff claim only an estate for life in the land recovered, and pay any sum allowed to the defendant for improvements, he or his

personal representative may recover, at the determination of his estate, from the remainderman or reversioner, the value of the said improvements, as they then exist, not exceeding the amount so paid by him, and shall have a lien therefor on the premises, in like manner as if they had been mortgaged for the payment thereof, and may keep possession of said premises until it be paid.

9. Nothing in this chapter, nor anything in the preceding chapter, concerning rents, profits, and improvements, shall extend or apply to any suit brought by a mortgagee, or his heirs or assigns, against a mortgagor, or his heirs or assigns, for the recovery of the mortgaged premises.

10. When the defendant shall claim allowance for improvements, as before provided, the plaintiff may, by an entry on the record, require that the value of his estate in the premises, without the improvements, shall also be ascertained.

11. The value of the premises, in such case, shall be estimated as it would have been at the time of the inquiry, if no such improvements had been made on the premises by the tenant or any person under whom he claims, and shall be ascertained in the manner hereinbefore provided, for estimating the value of improvements.

12. The plaintiff in such case, if judgment is rendered for him, may, at any time during the same term, or before judgment is rendered on the assessment of the value of the improvements, in person or by his attorney in the cause, enter on the record his election, to relinquish his estate in the premises to the defendant, at the value so ascertained, and the defendant shall thenceforth hold all the estate that the plaintiff had therein at the commencement of the suit, provided he pay therefor the said value, with interest, in the manner in which the court may order it to be paid.

13. The payments shall be made to the plaintiff, or into court for his use, and the land shall be bound therefor, and if the defendant fail to make the said payments within or at the times limited therefor respectively, the court may order the land to be sold, and the proceeds applied to the payment of said value and interest, and the surplus, if any, to be paid to the defendant; but if the said net proceeds be insufficient to satisfy the said value and interest, the defendant shall not be bound for the deficiency.

14. If the party, by or for whom the land is claimed in the suit, be a feme-covert, minor, or insane, such value shall be deemed to be real estate, and be disposed of as the court may consider proper, for the benefit of the persons interested therein.

15. If the defendant, or his heirs or assigns, shall, after the premises are so relinquished to him, be evicted thereof by force of any better title than that of the original plaintiff, the person so evicted may recover from such plaintiff, or his representatives, the amount so paid for the premises, as so much money had and received by such plaintiff, in his lifetime, for the use of such person, with lawful interest from the time of such payment.

CHAPTER VI.—WASTE.

1. Liable for damages.
2. Co-tenant.
3. Guardian.
4. Measure of damages.
5. When court may order possession to be taken.

1. If any tenant of land commit any waste thereon, or after he has

aliened it, while he remains in possession, unless by special license so to do, he shall be liable to any party injured for damages.

2. If a tenant in common, joint tenant, or parcener, commit waste, he shall be liable to his co-tenants, jointly or severally, for damages.

3. If a guardian commit waste of the estate of his ward, he shall be liable to the ward for damages at the expiration of his guardianship, or at any time within the period of three years after the ward attains his majority.

4. Any person entitled to damages in any such case may recover the same in an action of tort. And if it shall be found by the jury that the waste was committed wantonly, judgment shall be for double the amount of damages assessed therefor.

5. If the tenant in possession of any land shall, pending any suit to recover or charge said land, with knowledge of such suit, wantonly commit any waste thereon, the court, in which the suit is, may command the marshal to take possession of the land; and if the plaintiff succeed in recovering or charging the land, he may recover, in an action of tort against him who committed the waste, double the amount of damages assessed therefor.

CHAPTER VII.—WRITS OF MANDAMUS, PROHIBITION, CETIORARI, AND INFORMATIONS IN THE NATURE OF QUO WARRANTO.

1. Motions for, how made.
2. To quash.
3. Mandamus.
4. Return.
5. When not to issue.
6. Form of.
7. Damages.
8. Issues.
9. Service.
10. Amendments.
11. Obedience, how enforced.
12. Prohibition.
13. Certiorari.
14. Notice.
15. To whom directed.
16. Its command.
17. When not to stay proceedings.
18. Service.
19. Undertaking.
20. Defective return.
21. Copy of judgment to be transmitted.
22. Quo warranto.
23. By whom filed.
24. Form.
25. To set forth name of party entitled.
26. Service.
27. Damages.
28. When relator to exercise his office.
29 Punishment for neglect to deliver books, &c.
30. Separate action for damages.
31. One information may be filed against several.
32. Ouster.
33. Distribution of assets of corporations in case of forfeiture of franchise.
34. Escheat.
35. District attorney not liable for costs, but private persons are.
36. Appeal.

1. Motions or applications for writs of mandamus, prohibition, certiorari, and informations in the nature of quo warranto, shall be heard before one of the justices at chambers, or in special term. But the justice to whom application is made may order it to be heard in the general term in the first instance. Said writs shall not be issued until a petition, verified by affidavit, and stating the grounds of the application, have been filed and docketed. Whenever any motion or application for either of said writs is made before any justice at chambers, the same shall, if granted, be returnable before the court in special or general term.

2. Motions to quash, set aside, or dissolve any of said writs, may be heard in the same manner, in special or general term.

3. Writs of mandamus may be issued to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the

law specifically enjoins, or a duty resulting from an office, trust, or station.

4. The person, body, or tribunal to whom the same shall be directed and delivered, shall make return as commanded, and for neglect to do so, shall be proceeded against as for a contempt.

5. The writ shall not issue when the applicant has a plain, speedy, and adequate remedy in the ordinary course of law.

6. The first writ shall be in the alternative or peremptory, as the court shall direct.

7. If judgment be given for the applicant, he shall recover the damages which he shall have sustained, together with costs; and a peremptory mandamus shall be granted without delay.

8. Whenever a return shall be made to any such writ, issues of law and fact may be joined, and like proceedings be had for the trial of issues and rendering judgment as in civil actions.

9. The writ shall be served in the same manner as a summons in a civil action, except when otherwise expressly directed by order of the court.

10. The court or the justice shall have the same power to enlarge the time of making a return, and pleading to such writ, and for filing any subsequent pleadings, and to amend the same, and to continue such cause, as in civil actions.

11. Obedience to such writs may be enforced by attachment and fine, or imprisonment, or both.

12. The writ of prohibition shall command the court or party to whom it shall be directed to refrain from any further proceedings in the matter therein specified, until the return of the writ and the further order of the court thereon; and upon the return, to show cause why they shall not be absolutely restrained from any further proceedings in the matter. The court shall render judgment, either that a prohibition absolute, restraining the court or party from proceeding in the matter, do issue, or authorizing the court or party to proceed in the matter in question.

13. The writ of certiorari shall be granted in all cases where an inferior tribunal, board, or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board, or officer, and there is no appeal, nor in the judgment of the court or justice, any plain, speedy, and adequate remedy.

14. The court or justice may require a notice of the application to be given to the adverse party, or may grant an order to show cause why it should not be allowed, or may grant the writ without notice.

15. The writ may be directed to the inferior tribunal, board, or officer, or to any other person having the custody of the record or proceedings to be certified. When directed to a tribunal, the clerk, if there be one, shall return the writ with the transcript required.

16. The writ of certiorari shall command the party to whom it is directed to certify fully to the supreme court of this District, at a special time, and annex to the writ a transcript of the record and proceedings, that the same may be reviewed by the court; and requiring the party in the mean time to desist from further proceedings in the matter to be reviewed.

17. If a stay of proceedings be not intended, the words requiring the stay shall be omitted from the writ; these words may be inserted or omitted in the sound discretion of the court or justice; but if omitted, the power of the inferior court, board, or officer shall not be suspended, nor the proceedings stayed.

18. The writ shall be served in the same manner as a summons in a civil action, except where otherwise expressly directed by the court or justice.

19. Before any writ of certiorari shall be granted, the party applying, his agent or attorney, shall execute a written undertaking to the adverse party, with one or more sureties, and in a sum to be approved by the court or justice, to the effect that the party applying will prosecute the writ of certiorari to final judgment, and abide the orders which may be made therein.

20. If the return to the writ be defective, the court may order a further return to be made. When a full return shall be made, the court shall, after hearing the parties, determine whether the inferior tribunal, board, or officer, has regularly pursued the authority of such tribunal, board, or officer, and may thereupon give judgment, either affirming, annulling, or modifying the proceedings below, and issue execution thereon, as upon other judgments.

21. A copy of the judgment, signed by the clerk, shall be transmitted to the inferior tribunal, board, or officer, having custody of the record or proceeding certified up.

22. An information in the nature of a quo warranto may be filed against any person or corporation, in the following cases:

(1.) When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, or any franchise within this District, or any office in any corporation created by the authority of the laws of this District.

(2.) Whenever any public officer shall have done or suffered any act which, by the provisions of law, shall work a forfeiture of his office.

(3.) Where an association or number of persons shall act within this District as a corporation, without being legally incorporated.

(4.) Or where any corporation does or omits acts which amount to a surrender of its rights and privileges as a corporation, or where it exercises powers not conferred by law.

23. The information may be filed by the district attorney on his own relation, whenever he shall deem it his duty to do so, or shall be directed by the supreme court of this District, or any justice thereof; or it may be filed by any other person on his own relation, whenever he claims an interest in the office, franchise, or corporation, which is the subject of the information.

24. The information shall consist of a plain statement of the facts which constitute the grounds of the proceeding.

25. Whenever an information shall be filed by the district attorney against a person for usurping an office, he shall also set forth therein the name of the person rightfully entitled to the office, with an averment of his right thereto; and when filed by any other person he shall show his interest in the matter, and he may claim the damages he has sustained.

26. Whenever an information is filed, a summons and copy of the same shall issue thereon, which shall be served and returned, as in other actions. The defendant shall appear and plead, or suffer default, and subsequent proceedings be had, as in other civil cases.

27. In every case contesting the right to an office, judgment shall be rendered upon the rights of the parties, and for damages the relator may show himself entitled to, if any, to the time of the judgment.

28. If judgment be rendered in favor of the relator, he shall proceed to exercise the functions of the office after he has been qualified as required by law; and the court shall order the defendant to deliver over

all the books, papers, and other things in his custody, or within his power, belonging to the office from which he shall have been ousted.

29. If the defendant shall neglect or refuse to deliver over the books, papers, and other things as aforesaid, pursuant to the order, the court shall enforce the order by attachment and imprisonment.

30. When the judgment is rendered in favor of the plaintiff, he may, if he has not claimed his damages in the information, have his action for the damages at any time within one year after the judgment.

31. When several persons claim to be entitled to the same office or franchise, one information may be filed against any or all such persons, in order to try their respective rights to the office or franchise.

32. Whenever any defendant shall be found guilty of any usurpation of, or intrusion into, or unlawfully exercising, any office or any franchise within this District, or any office in any corporation created by the authority of the laws of this District, or when any public officer thus charged shall be found guilty of having done or suffered any act which by the provisions of law shall work a forfeiture of his office, or when any association or number of persons shall be found guilty of having acted as a corporation without being legally incorporated, the court shall give judgment of ouster against the defendant, and exclude him from the office, franchise, or corporate rights, and in cases of corporations, that the same shall be dissolved, and the court may adjudge costs in favor of the plaintiff.

33. If, under the proceedings authorized by this chapter, judgment be rendered against any corporation, or against any persons claiming to be a corporation, the court may cause the costs to be collected by execution against the persons claiming to be a corporation. The district attorney shall immediately institute proceedings on the equity side of the court, which shall restrain the corporation, appoint a receiver of its property and effects, take an account, and make a distribution among the creditors.

34. Whenever any property shall escheat or be forfeited to the United States, the legal title shall be deemed to be in the United States from the time of the escheat or forfeiture; and an information may be filed by the district attorney for the recovery of the property, alleging the ground on which the recovery is claimed; and like proceedings and judgment shall be had as in a civil action for the recovery of property.

35. When an information is filed by the district attorney, under the provisions of this chapter, he shall not be liable for costs; but when it is filed upon the relation of a private person, such person shall be liable for costs, unless the same are adjudged against the defendant.

36. Either party in any proceeding under this chapter aggrieved by any order, judgment, or decree, made or pronounced by any one of the justices at chambers, or in special term, may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term, where the like proceedings shall be had as in other civil cases.

CHAPTER VIII.—HABEAS CORPUS.

1. When granted.
2. To whom directed.
3. How served.
4. Return.
5. To be sworn to.
6. When to proceed in absence of party.
7. Summary hearing.
8. When not to discharge.
9. Bail.
10. Not to discharge for want of bail, &c.
11. Witnesses—parties interested to be notified.
12. Persons not liable for obeying writ.
13. When marshal may be ordered to take party restrained into custody.
14. Warrant against person charged with causing illegal restraint.
15. Proceedings thereon.
16. Interlocutory orders.
17. May be served on Sunday.
18. To be served and returned forthwith.
19. In whose favor granted.
20. Appeal.

1. The writ of habeas corpus shall be granted forthwith by the supreme court of the District, or by any of the courts or terms thereof, or by any justice of said court at his chambers, to any person who shall apply for the same by petition, showing, by affidavit or other evidence, probable cause to believe that he is detained without lawful authority. Application in like manner for the writ may also be made by any person in behalf of the person illegally restrained.

2. The writ shall be directed to the officer or party having the person under restraint, commanding him to have such person before the court or justice, at such time and place as the court or justice shall direct, to do and receive what shall be ordered concerning him, and to have then and there the writ. If the person to whom the writ is directed is absent from the place where the petitioner is confined, it may be served on the person having the immediate custody of such petitioner. If the writ be directed to the marshal, it shall be delivered by the clerk to him without delay. If the writ be directed to any other person, it shall be delivered to the marshal, and shall be served by him by delivering a copy of the same with a copy of the petition to such person without delay.

3. If the person to whom such writ is directed cannot be found, or shall refuse admittance to the marshal, the same may be served by leaving it at the residence of the person to whom it is directed, or by affixing the same on some conspicuous place, either of his dwelling-house, or where the person is confined or under restraint.

4. The marshal, or other person to whom the writ is directed, shall make immediate return thereof, and if he refuse, after due service, to make return, the court of justice shall enforce obedience by attachment.

5. The return must be signed by the person making it, and shall be sworn to by him, unless he is a sworn public officer and shall make the return in his official capacity. The person making the return shall state—

(1.) The authority or cause of the restraint of the party in his custody.

(2.) If the authority be in writing, he shall return a copy and produce the original on the hearing.

(3.) If he has had the party in his custody, or under his restraint, and has transferred him to another, he shall state to whom, the time, place, and cause of the transfer.

He shall produce the party on the hearing, unless prevented by sickness or infirmity, which must be shown in the return.

6. The court or justice, if satisfied of the truth of the allegation of sickness or infirmity, may proceed to decide on the return, or the hearing may be adjourned until the party can be produced, or for other good cause. The petitioner may except to the sufficiency of, or controvert the return or any part thereof, or allege any new matter in avoidance; the new matter shall be verified, except in cases of a commitment on a crimi-

nal charge. The return and pleadings may be amended without causing any delay.

7. The court or justice shall thereupon proceed, in a summary way, to hear and determine the case; and if no legal cause be shown for the restraint, or for the continuation thereof, shall discharge the party.

8. The court or justice shall not inquire into the legality of any judgment or process whereby the party is in custody, or discharge him when the term of commitment has not expired, in either of the cases following:

(1.) Upon process issued on any court or judge of the United States, where the court or judge has conclusive jurisdiction; or,

(2.) Upon any process issued on any final judgment of a court of competent jurisdiction; or,

(3.) For any contempt of any court, officer, or body having authority to commit; or,

(4.) Upon a warrant issued from the criminal or police court, upon an indictment or information.

9. The writ of habeas corpus may be had for the purpose of letting a prisoner to bail in bailable cases; but in all such cases notice thereof shall be given the United States district attorney for this District.

10. No person shall be discharged from an order of commitment, issued by any judicial or peace officer, for want of bail, or in cases not bailable on account of any defect in the charge or process, or for alleged want of probable cause; but in all such cases the court or justice shall summon the prosecuting witnesses, investigate the criminal charge, and discharge, let to bail, or recommit the prisoner, as may be just and legal, and recognize witnesses to appear.

11. The court or justice shall have power to require and compel the attendance of witnesses, and to do all other things necessary to determine the case. If it appear that any person has an interest in the detention of the prisoner, the court or justice shall cause such person to be duly notified.

12. The marshal or other officer shall not be liable to a civil action for obeying any writ of habeas corpus, or order of discharge made thereon.

13. Whenever it shall appear by affidavit that any one is illegally held in custody or restraint, and that there is good reason to believe that such person will be carried out of the jurisdiction of the court or justice before whom the application is made, or will suffer some irreparable injury before compliance with the writ can be enforced, such court or justice may cause a warrant to be issued, reciting the facts, and directed to the marshal, commanding him to take the person thus held in custody or restraint, and forthwith bring him before the court or justice, to be dealt with according to law.

14. The court or justice may also, if the same be deemed necessary, insert in the warrant a command for the apprehension of the person charged with causing the illegal restraint.

15. The officer shall execute the writ by bringing the person therein named before the court or justice, and the like return and proceedings shall be required and had, as in case of writs of habeas corpus.

16. The court or justice may make any temporary orders in the cause, or disposition of the party, during the progress of the proceedings, that justice may require. The custody of any party restrained may be changed from one person to another, by order of the court or justice.

17. Any writ or process authorized by this chapter may be issued and served, in cases of emergency, on Sunday or legal holiday.

18. All writs and other process authorized by the provisions of this chapter shall be served and returned forthwith, unless the court or justice

shall specify a particular time for such return. And no writ or other process shall be disregarded for any defect therein, if enough is shown to notify the officer or person of the purport of the process. Amendments may be allowed, and temporary commitment, when necessary.

19. Writs of habeas corpus shall be granted in favor of parents, guardians, masters, married women, and husbands; and to enforce the rights, and for the protection of infants and insane persons; and the proceedings shall in all such cases conform to the provisions of this chapter.

20. In cases arising under the provisions of this chapter, if the court or justice at chambers shall decide against the liberty of the party in restraint, an appeal may be taken by the party aggrieved to the court in general term, as in other civil cases.

TITLE IV.—OF EQUITY AND PROCEEDINGS THEREIN.

CHAPTER I. Rules of practice in equity.
II. Mechanics' lien.

CHAPTER I.—RULES OF PRACTICE IN EQUITY.

1. Court to be deemed always open for preparation of cases.
2. Attendance in clerk's office.
3. Order-book.
4. Motions grantable of course.
5. Notice of motion when requisite.

Process.

6. Leading process.
7. Subpœna not issued till bill filed.
8. When subpœna to be issued of course, and return.
9. Service.
10. Renewal.
11. Marshal to serve.
12. Docketing suit.

Defendant's appearance and defense.

13. Time of appearance.
14. Entry of appearance.
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1. The court of equity shall be deemed always open for the purpose of filing bills, answers, and other pleadings, for issuing and returning mesne and final process and commissions, and for making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing of all causes upon their merits.

2. The clerk's office shall be open, and the clerk shall be in attendance therein, on the first Tuesday of every month, for the purpose of receiving, entering, entertaining, and disposing of all motions, rules, orders, and other proceedings, which are grantable of course, and applied for or had by the parties or their solicitors, in all causes pending in equity, in pursuance of the rules hereby prescribed.

3. All motions, rules, orders, and other proceedings made and directed at chambers, or on rule-days, at the clerk's office, whether special or of course, shall be entered by the clerk in an order-book, to be kept at the clerk's office, on the day when they are made and directed; which book shall be open at all office-hours to the free inspection of the parties in any suit in equity, and their solicitors.

4. All motions and applications in the clerk's office for the issuing of mesne process and final process to enforce and execute decrees, for filing bills, answers, pleas, demurrers, and other pleadings—

For making amendments to bills and answers; for taking bills pro confesso.

For filing exceptions, and for other proceedings in the clerk's office, which do not, by the rules hereinafter prescribed, require any allowance or order of the court, or of any judges thereof—

Shall be deemed motions and applications, grantable of course by the clerk of the court. But the same may be suspended, or altered, or rescinded by any judge of the court, upon special cause shown.

5. All motions for rules, or orders, or other proceedings, which are not grantable of course, or without notice, shall, unless a different day be assigned by a justice of this court, be noticed for the first day of the

special term, and a copy of the affidavits or papers upon which said motion is founded shall, together with the notice of motion, be served on the opposite party, if he has appeared, or his solicitor, at least two days before the hearing of said motion, unless the grounds of said motion are matter of record; in which case it shall only be necessary to refer to such parts of the record as are specified in the notice of motion.

PROCESS.

6. The process of subpœna shall constitute the proper process in all suits in equity, in the first instance to require the defendant to appear and answer the exigency of the bill.

7. No process of subpœna shall issue from the clerk's office in any suit in equity until the bill is filed in the cause.

8. Whenever a bill is filed, the clerk shall issue the process of subpœna thereon, as of course, upon the application of the plaintiff, which shall be in force for six months from the time of the issuing thereof, at the end of which time it shall be returned into the clerk's office. At the bottom of the subpœna shall be placed a memorandum, that the defendant is to enter his appearance in the suit in the clerk's office on or before the day at which the writ is returnable; otherwise the bill may be taken pro confesso. Where there are more than one defendant, a writ of subpœna may, at the election of the plaintiff, be sued out separately for each defendant, except in the case of husband and wife, defendants, or a joint subpœna against all the defendants.

9. The summons shall be served by delivering a copy thereof, as follows:

In actions against a corporation, to the president or other head of the corporation, secretary, cashier, treasurer, a director, or managing agent thereof.

In actions against foreign corporations doing business in the District of Columbia, to the agent of such corporation, or person conducting its business aforesaid; or in case he is absent, and cannot be found, by leaving the same at its principal place of business in this District.

If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, or guardian; or if there be none within this District, then to any person having the care and control of such minor, or with whom he shall reside, or in whose service he shall be employed.

If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a committee has been appointed, to such committee, and to the defendant personally.

In all other cases to the defendant personally.

10. Whenever any subpœna shall be returned not executed as to any defendant, the plaintiff shall be entitled to another subpœna, toties quoties, against such defendant, if he shall require it, until due service is made.

11. The service of all process, mesne and final, shall be by the marshal of the District, or his deputy, or by some other person specially appointed by the court for that purpose, and not otherwise. In the latter case the person serving the process shall make affidavit thereof.

12. As soon as the bill is filed the clerk shall enter the suit upon his docket, as pending in the court, and shall state the time of the entry.

DEFENDANT'S APPEARANCE AND DEFENSE.

13. A defendant served with subpœna to answer twenty days before the first Tuesday of any month must appear by that day; otherwise by the first Tuesday of the next month.

14. The appearance of the defendant, either personally or by his solicitor, shall be entered in the order-book on the day thereof by the clerk.

15. In default of such appearance the plaintiff may, at his election, enter an order, as of course, in the order-book, that the bill be taken pro confesso; and thereupon the cause shall be proceeded in ex parte, and the matter of the bill may be decreed by the court at the next ensuing term thereof accordingly, if the same can be done without an answer and is proper to be decreed; or the plaintiff, if he requires any discovery or answer to enable him to obtain a proper decree, shall be entitled to process of attachment against the defendant, to compel an answer; and the defendant shall not, when arrested upon such process, be discharged therefrom unless upon filing his answer, or otherwise complying with such order as the court or judge thereof may direct, as to pleading to or fully answering the bill, within a period to be fixed by the court or judge, and undertaking to speed the cause.

16. When the bill is taken pro confesso, the court may proceed to a decree at the next ensuing term thereof, and such decree rendered shall be deemed absolute, unless the court shall, at the same term, set aside the same, or enlarge the time for filing the answer, upon cause shown, upon motion and affidavit of the defendant. And no such motion shall be granted, unless upon the payment of the costs of the plaintiff in the suit up to that time, or such part thereof as the court may deem reasonable, and unless the defendant shall undertake to file his answer within such time as the court shall direct, and submit to such other terms as the court shall direct for the purpose of speeding the cause.

FRAME OF BILL.

17. Every bill shall be divided into paragraphs, successively numbered, and shall contain the names and places of abode of all the parties, plaintiffs and defendants, by and against whom the bill is brought. The form of the introductory part thereof shall, in substance, be as follows:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE —— DAY OF ——, 18—.

Bill in equity—

Between { A. B., plaintiff, *and* C. D., defendant. } No. —.

To the Supreme Court of the District of Columbia, holding an equity court for said District:

The plaintiff states as follows:

(1.) He is a citizen of ——, (in the State of New York,) and brings this suit (in his own right) or (as assignee in bankruptcy of the late firm of —— —— and —— ——, merchants in the city of New York,) (stating the character in which he sues.)

(2.) The defendant is a citizen of the District of Columbia, and is sued in this action (as executor of —— ——, deceased, late of said District)

(3.) That, &c.

18. The plaintiff, in his bill, shall omit the part which is usually called the common confederacy clause of the bill, averring a confed-

eracy between the defendants to injure or defraud the plaintiff; also what is commonly called the charging part of the bill, setting forth the matters or excuses which the defendant is supposed to intend to set up by way of defense to the bill; also what is commonly called the jurisdiction clause of the bill, that the acts complained of are contrary to equity, and that the defendant is without any remedy at law; and that the bill shall not be demurrable therefor.

19. If any persons, other than those named as defendants in the bill, shall appear to be necessary or proper parties thereto, the bill shall aver the reason why they are not made parties, by showing them to be without the jurisdiction of the court, or that they cannot be joined without ousting the jurisdiction of the court as to the other parties; and as to persons who are without the jurisdiction and may properly be made parties, the bill may pray that process may issue to make them parties to the bill if they should come within the jurisdiction.

20. Every bill shall contain the signature of counsel annexed to it, which shall be considered as an affirmation on his part that, upon the instructions given to him and the case laid before him, there is good ground for the suit in the manner in which it is framed.

21. Every bill shall be expressed in as brief and succinct terms as it reasonably can be, and shall contain no unnecessary recitals of deeds, documents, contracts, or other instruments, in hæc verba, or any impertinent, scandalous, or irrelevant matter. If it does, a motion may be made to the court to expunge such portions thereof as are deemed impertinent or scandalous; and if so found by the court, it shall be expunged at the expense of the plaintiff, and he shall pay to the defendant all his costs in the suit up to that time, unless the court otherwise order. If the court find that the matter of the bill is not scandalous or impertinent, the plaintiff shall be entitled to the costs of the motion.

22. The prayer for process of subpœna in the bill shall contain the names of all the defendants named in the introductory part of the bill, and if any of them are known to be infants under age, or otherwise under guardianship, shall state the fact, so that the court may take order thereon as justice may require, upon the return of the process. If an injunction or a writ of ne exeat, or any other special order, pending the suit, is asked for in the prayer for relief, that shall be sufficient, without repeating the same in the prayer for process.

23. The prayer of the bill shall ask the special relief to which the plaintiff supposes himself entitled, and also shall contain a prayer for general relief; and if an injunction, or a writ of ne exeat, or any other special order, pending the suit, is required, it shall also be specially asked for.

AMENDMENT OF BILLS.

24. The plaintiff may, as a matter of course, and without payment of costs, amend his bill in any matters whatsoever, before any copy has been taken out of the clerk's office, and in any small matters afterward, such as filling blanks, correcting errors of dates, misnomer of parties, misdescription of premises, clerical errors, and generally in matters of form. But if he amend in a material point after a copy has been so taken, (as he may do, of course,) before any answer, or plea, or demurrer to the bill, he shall pay to the defendant the costs occasioned thereby, and shall without delay furnish him a copy thereof, free of expense, with suitable references to the places where the same are to be inserted. And, if the amendments are numerous, he shall furnish in like manner, to the defendant, a copy of the whole bill as amended; and if there be

more than one defendant, a copy shall be furnished to each defendant affected thereby.

25. After an answer, or plea, or demurrer is put in, and before replication, the plaintiff may, upon motion or petition, without notice, obtain an order from any justice of the court to amend his bill on or before the next succeeding rule day, upon payment of costs, or without payment of costs, as the court or a judge thereof may in his discretion direct. But after replication filed the plaintiff shall not withdraw it and amend his bill, except upon a special order of a justice of the court, upon motion or petition, after due notice to the other party; and upon proof by affidavit that the same is not made for the purpose of vexation or delay, or that the matter of the proposed amendment is material, and could not with reasonable diligence have been sooner introduced into the bill, and upon the plaintiff's submitting to such other terms as may be imposed by the judge for speeding the cause.

26. If the plaintiff, so obtaining any order to amend his bill after answer, or plea, or demurrer, or after replication, shall not file his amendments or amended bill, as the case may require, in the clerk's office, on or before the next succeeding rule day, he shall be considered to have abandoned the same, and the cause shall proceed as if no application for any amendments had been made.

DEMURRERS AND PLEAS.

27. No demurrer or plea shall be allowed to be filed to any bill unless upon a certificate of counsel that in his opinion it is well founded in point of law, and supported by the affidavit of the defendant that it is not interposed for delay; and if a plea, that it is true in point of fact.

28. The defendant may, at any time before the bill is taken for confessed, or afterwards with the leave of the court, demur or plead to the whole bill, or part of it, and he may demur to part, plead to part, and answer as to the residue; but in every case in which the bill specially charges fraud or combination, a plea to such part must be accompanied with an answer fortifying the plea, and explicitly denying the fraud and combination, and the facts on which the charge is founded.

29. The plaintiff may set down the demurrer or plea to be argued, or he may take issue on the plea. If, upon an issue, the facts stated in the plea be determined for the defendant, they shall avail him as far as in law and equity they ought to avail him.

30. If, upon the hearing, any demurrer or plea is overruled, the plaintiff shall be entitled to his costs in the cause up to that period, unless the court shall be satisfied that the defendant had good ground in point of law or fact to interpose the same, and it was not interposed vexatiously or for delay. And upon the overruling of any plea or demurrer, the defendant shall be assigned to answer the bill, or so much thereof as is covered by the plea or demurrer, the next succeeding rule day, or at such other period as consistently with justice and the rights of the defendant the same can, in the judgment of the court, be reasonably done; in default whereof the bill shall be taken against him pro confesso, and the matter thereof proceeded in and decreed accordingly.

31. If, upon the hearing, any demurrer or plea shall be allowed, the defendant shall be entitled to his costs. But the court may, in its discretion, upon motion of the plaintiff, allow him to amend his bill, upon such terms as it shall deem reasonable.

32. If the plaintiff shall not reply to any plea, or set down any plea or demurrer for argument on the next rule day, provided the same is filed

five days before the commencement of the term, he shall be deemed to admit the truth and sufficiency thereof, and his bill shall be dismissed as of course, unless a justice of the court shall allow him further time for the purpose.

33. The rule, that if a defendant submits to answer he shall answer fully to all the matters of the bill, shall no longer apply in cases where he might by plea protect himself from such answer and discovery. And the defendant may in all cases by answer insist upon all matters of defense (not being of a merely dilatory character) in bar of, or to the merits of the bill, of which he may avail himself by a plea in bar; and in such answer he shall not be compellable to answer any other matters than he would be compellable to answer and discover upon filing a plea in bar and an answer in support of such plea, touching the matters set forth in the bill, to avoid or repel the bar or defense. Thus, for example, a bona-fide purchaser for a valuable consideration, without notice, may set up that defense by way of answer instead of plea, and shall be entitled to the same protection, and shall not be compellable to make any further answer or discovery of his title than he would be in any answer in support of such plea.

34. In every case where an amendment shall be made by plaintiff after answer filed, the defendant shall put in a new or supplemental answer, within ten days after notice of the filing of the amended bill, unless the time is enlarged or otherwise ordered by a justice of the court; and upon his default the like proceedings may be had as in cases of an omission to put in an answer.

PARTIES TO THE SUIT.

35. In all cases, where it shall appear to the court that persons who might otherwise be deemed necessary or proper parties to the suit cannot be made parties by reason of their being out of the jurisdiction of the court, or incapable otherwise of being made parties, the court may in its discretion proceed in the cause without making such persons parties; and in such cases the decree shall be without prejudice to the rights of the absent parties.

36. Where the parties on either side are very numerous, and cannot, without manifest inconvenience and oppressive delays in the suit, be all brought before it, the court in its discretion may dispense with making all of them parties, and may proceed in the suit, having sufficient parties before it to represent all the adverse interests of the plaintiffs and the defendants in the suit properly before it. But in such cases the decree shall be without prejudice to the rights and claims of all the absent parties.

37. In all suits concerning real estate, which is vested in trustees by devise, and such trustees are competent to sell and give discharges for the proceeds of the sale, and for the rents and profits of the estate, such trustees shall represent the persons beneficially interested in the estate or the proceeds, or the rents and profits, in the same manner, and to the same extent, as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested in such real estate, or rents and profits, parties to the suit; but the court may, upon consideration of the matter on the hearing, if it shall think fit, order such persons to be made parties.

38. Where the defendant shall, by his answer, suggest that the bill is defective for want of parties, the plaintiff may, within fourteen days

after answer filed, set down the cause for argument upon that objection only; and the purpose for which the same is so set down shall be notified by an entry, to be made in the clerk's order-book, in the form or to the effect following: "Set down upon the defendant's objection for want of parties." And where the plaintiff shall not so set down his cause, but shall proceed therewith to a hearing, notwithstanding an objection for want of parties taken by the answer, he shall not, at the hearing of the cause, if the defendant's objection shall then be allowed, be entitled as of course to an order for liberty to amend his bill by adding parties; but the court, if it thinks fit, may dismiss the bill.

39. If a defendant, at the hearing of a cause, object that a suit is defective for want of parties, not having by plea or answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the court may make a decree, saving the rights of the absent parties.

40. Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, not being an infant, the party, upon service of the subpœna upon him, need not appear and answer the bill, unless the plaintiff specially requires him so to do by the prayer of his bill; but he may appear and answer at his option; and if he does not appear and answer, he shall be bound by all the proceedings in the cause. If the plaintiff shall require him to appear and answer, he shall be entitled to the costs of all the proceedings against him, unless the court shall otherwise direct.

INJUNCTION.

41. If an injunction is prayed for, a preliminary restraining order may be granted ex parte, in the discretion of the court or justice, in which shall be designated the time and place for hearing the application for the injunction; and no injunction shall be granted in any case without reasonable previous notice to the adverse party, or his solicitor, of the time and place of moving for the same.

42. The granting, refusal, or discontinuance of a preliminary restraining order shall not, in any case, be the subject of appeal.

43. No provisional injunction shall be granted by any justice at chambers, unless the justice holding the special term of the court for the trial of equity causes shall be absent from the court-house and his residence, which fact shall be first made to appear by the certificate in writing of the solicitor or party applying for the same, to be filed in the cause; and in those cases, where the same shall be granted by a justice not holding the special term, as aforesaid, all further and subsequent proceedings shall be held before the justice holding said special term.

44. No provisional injunction shall be issued, but upon the precedent condition that an undertaking be filed by or for the complainant, with sureties, to be approved by the court or justice, to make good to the defendant all damages by him suffered or sustained, by reason of wrongfully and inequitably suing out the injunction, and stipulating that the damages may be ascertained in such manner as the court or justice shall direct; and that, on dissolving the injunction, the court or justice may give judgment thereon against the principal and sureties for said damages, in the decree itself dissolving the injunction.

45. If an action of ejectment, or other suit at law, to recover possession of land, or to recover possession of specific chattels, be at issue, no injunction shall be granted to stay the same, until the complainant, with surety or sureties, approved by the justice, has filed an under-

taking in the suit to pay such rent and intervening damages as may be finally adjudged against the complainant, and stipulating that judgment may be given against the principal and sureties for the same, if the bill be dismissed for want of equity.

46. If the injunction prayed for be to stay proceedings at law, the bill must state whether an issue has been joined, or a verdict or judgment obtained, and the injunction, if granted, may stay all proceedings after issue joined, or permit the defendant to proceed to judgment, notwithstanding the injunction, without prejudice to the complainant's equities.

47. If an injunction or ne exeat be granted before answer, the defendant, on due notice, may move to dissolve the injunction, or discharge the ne exeat on the coming of his answer; and if his motion be allowed, it may be with or without costs, in the discretion of the justice.

48. No preliminary injunction or ne exeat shall be granted ex parte, unless prayed for in the bill, and the bill be verified in the manner prescribed in Rule 95.

49. An injunction or ne exeat shall not be dissolved or discharged, although the whole equity of the bill be denied by the answer, unless the answer is duly verified.

50. The application for an injunction or ne exeat, or for its dissolution or discharge, may be fortified by affidavits of third persons, in support of the allegations of the bill, petition, or answer. But all such affidavits shall be filed at least twenty-four hours before the hearing; but the court or justice may, in its discretion, continue the hearing for the production of further affidavits, when justice may require.

REVIVOR AND SUPPLEMENTAL BILLS.

51. Whenever a suit in equity shall become abated by the death of either party, or by any other event, the same may be revived by a bill of revivor, or a bill in the nature of a bill of revivor, as the circumstances of the case may require, filed by the proper parties entitled to revive the same, which bill may be filed in the clerk's office at any time; and upon suggestion of the facts, the proper process of subpœna shall, as of course, be issued by the clerk, requiring the proper representatives of the other party to appear and show cause, if any they have, why the cause should not be revived. And if no cause shall be shown at the next rule day, which shall occur after fourteen days from the time of the service of the same process, the suit shall stand revived, as of course.

52. Leave to file a supplemental bill, when deemed necessary, may be granted by the justice holding the special term, or, in his absence, by any other justice of the court, upon sufficient cause shown, and notice of the application to the opposite party. And if leave is granted to file such supplemental bill, the defendant shall demur, plead, or answer thereto, on the next succeeding rule day after the supplemental bill is filed in the clerk's office, unless some other time shall be assigned by a judge of the court.

53. It shall not be necessary, in any bill of revivor, or supplemental bill, to set forth any of the statements in the original suit, unless the special circumstances of the case may require it.

ANSWER.

54. If defense is not made by plea of demurrer, the defendant must file his answer in the clerk's office by the rule day next succeeding that

of entering his appearance. In default thereof, the proceedings shall be the same as are prescribed in case of default in appearing.

55. The answer, after the introductory part of it, shall be divided into paragraphs in the same manner as the bill, and each paragraph in the answer shall correspond with the paragraph in the bill of the same number.

56. After an answer is put in, it may be amended, as of course, in any matter of form, as by filling up a blank, or correcting a date, or reference to a document, or other small matter, and be resworn, at any time before a replication is put in, or the cause is set down for a hearing upon bill and answer. But after replication, or such setting down for hearing, it shall not be amended in any material matters, as by adding new facts or defenses, or qualifying or altering the original statements, except by special leave of the court, or of a justice thereof, upon motion and cause shown, after due notice to the adverse party, supported, if required, by affidavit. And in every case where leave is so granted, the court, or the justice granting the same, may, in his discretion, require that the same be separately engrossed, and added as a distinct amendment to the original answer, so as to be distinguished therefrom.

57. After an answer is filed, and notice thereof given to the plaintiff's solicitor, the plaintiff shall be allowed ten days to file in the clerk's office exceptions thereto for insufficiency, unless a longer time shall be allowed by a justice for the purpose, upon cause shown; and if no exception shall be filed thereto within that period, the answer shall be deemed and taken to be sufficient.

58. Where exceptions shall be filed to the answer for insufficiency within the period prescribed by these rules, if the defendant shall not submit to the same, and file an amended answer within ten days, and give notice thereof to the plaintiff, the plaintiff shall forthwith set them down for a hearing on the next succeeding rule day thereafter, before a justice of the court, and shall enter, as of course, in the order-book an order for that purpose. And if he shall not so set down the same for a hearing, the exceptions shall be deemed abandoned, and the answer shall be deemed sufficient: *Provided, however*, That the court, or any justice thereof, may, for good cause shown, enlarge the time for filing exceptions, or for answering the same, in his discretion, upon such terms as he may deem reasonable.

59. If, at the hearing, the exceptions shall be allowed, the defendant shall be bound to put in a full and complete answer thereto within ten days; otherwise the plaintiff shall, as of course, be entitled to take the bill, so far as the matter of such exceptions is concerned, as confessed, or, at his election, he may have a writ of attachment to compel the defendant to make a better answer to the matter of the exceptions; and the defendant, when he is in custody upon such writ, shall not be discharged therefrom but by an order of the court, or of a judge thereof, upon his putting in such answer and complying with such other terms as the court or judge may direct.

60. If, upon argument, the plaintiff's exceptions to the answer shall be overruled, or the answer shall be adjudged insufficient, the prevailing party shall be entitled to all the costs occasioned thereby, unless otherwise directed by the court, or the judge thereof, at the hearing upon the exceptions.

61. When the same solicitor is employed for two or more defendants, and separate answers shall be filed, or other proceedings had by two or more of the defendants separately, costs shall not be allowed for such separate answers or other proceedings, unless the court determine that

such separate answers and proceedings were necessary or proper, and ought not to have been joined together.

REPLICATION AND ISSUE.

62. No special replication to any answer shall be filed. The general replication may be in the following or equivalent form:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, THE ——— DAY OF ———, 18—.

A. B., complainant, v. C. D., defendant. } In equity, No. —.

The defendant hereby joins issue with the defendant, ——— ———, (and will hear the cause on bill and answer against the defendant, ——— ———,) (and on the order to take the bill as confessed against the defendant, ——— ———.)

63. Whenever the answer of the defendant shall not be excepted to, or shall be adjudged or deemed sufficient, the plaintiff shall file the general replication thereto within ten days thereafter; and in all cases where the general replication is filed, the cause shall be deemed to all intents and purposes at issue, without any rejoinder or other pleading on either side.

64. If the plaintiff shall omit or refuse to file such replication within the prescribed period, the defendant shall be entitled to an order, as of course, for a dismissal of the suit; and the suit shall thereepon stand dismissed, unless the court, or a judge thereof, shall, upon motion, for cause shown, allow a replication to be filed nunc pro tunc, the plaintiff submitting to speed the cause, and to such other terms as may be directed.

TESTIMONY.

65. In all suits in equity, it shall be in the discretion of the court, upon the request of either party, to order the testimony of the witnesses therein to be taken orally before the court. But in all such cases the testimony shall be reported by a sworn stenographer, or reduced to writing at the time by such person as the court may direct. In either case the testimony, after being reduced to writing, shall be read over to the witnesses, and signed by them in the presence of the court, or the parties, or counsel, or such of them as may attend: *Provided*, If the witnesses shall refuse to sign the said depositions, then the justice holding the court shall sign the same. The depositions so taken shall constitute part of the record of the cause.

66. After the cause is at issue, commissions to take testimony may be taken out in vacation as well as in term, jointly by both parties, or severally by either party, upon interrogatories filed by the party taking out the same in the clerk's office, ten days' notice thereof being given to the adverse party to file cross-interrogatories before the issuing of the commission; and if no cross-interrogatories are filed at the expiration of the time, the commission may issue ex parte. In all cases the commissioner or commissioners shall be named by the court, or by a justice thereof, or the clerk of the court in vacation. If the parties shall so agree, the testimony may be taken upon oral interrogatories by the parties or their agents, without filing any written interrogatories.

67. After the cause is at issue, either party may give notice to the other that he desires the evidence to be adduced in the cause to be taken

orally, and thereupon all the witnesses to be examined shall be examined before one of the examiners of the court, or before an examiner to be specially appointed by the court, the examiner to be furnished with a copy of the bill and answer, if any; and such examination shall take place in the presence of the parties or their agents, by their counsel or solicitors, and the witnesses shall be subject to cross-examination and re-examination, and which shall be conducted, as near as may be, in the mode now used in common-law courts. The depositions taken upon such oral examination shall be taken down in writing by the examiner in the form of narrative, unless he determines the examination shall be by question and answer in special instances; and when completed, shall be read over to the witness and signed by him in the presence of the parties or counsel, or such of them as may attend: *Provided*, If the witness shall refuse to sign the said deposition, then the examiner shall sign the same; and the examiner may, upon all examinations, state any special matters to the court, as he shall think fit; and any question or questions which may be objected to shall be noted by the examiner upon the deposition, but he shall not have power to decide on the competency, materiality, or relevancy of the questions, and the court shall have power to deal with the costs of incompetent, immaterial, or irrelevant depositions, or parts of them, as may be just. For the compulsory attendance of witnesses in case of refusal to attend, to be sworn, or to answer any question put by the examiner, or by counsel or solicitor, the same practice shall be adopted as is now practiced with respect to witnesses to be produced on examination before an examiner of said court on written interrogatories. Notice shall be given, by the respective counsel or solicitors, to the opposite counsel, or solicitors, or parties, of the time and place of the examination, for such reasonable time as the examiner may fix by order in each cause. When the examination of witnesses before the examiner is concluded, the original deposition, authenticated by the signature of the examiner, shall be transmitted by him to the clerk of the court, to be there filed of record, in the same mode as prescribed in the thirtieth section of act of Congress, September 24, 1789. Testimony may be taken on commission, in the usual way, by written interrogatories and cross-interrogatories, on motion to the court in term time, or to a judge in vacation, for special reasons satisfactory to the court or judge.

68. Where the evidence to be adduced in a cause is to be taken orally, the court may, on motion of either party, assign a time within which the complainant shall take his evidence in support of the bill, and a time thereafter within which the defendant shall take his evidence in defense, and a time thereafter within which the complainant shall take his evidence in reply; and no further evidence shall be taken in the cause, unless by agreement of the parties, or by leave of court first obtained on motion, for cause shown.

69. Three months, and no more, shall be allowed for the taking of testimony after the cause is at issue, unless the court or a judge thereof shall, upon a special cause shown by either party, enlarge the time; and no testimony taken after such period shall be allowed to be read in evidence at the hearing.

70. Title II, Chapter XXV, in relation to depositions, shall be applicable in cases in equity.

71. The rules as to publication of depositions at law, shall be applicable to cases in equity.

72. The last written interrogatory to a witness shall be substantially,

Do you know, or can you set forth, any other matter or thing which may be a benefit

or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

CROSS-BILL.

73. Where a defendant in equity files a cross-bill for discovery only against the plaintiff in the original bill, the defendant to the original bill shall first answer thereto, before the original plaintiff shall be compellable to answer the cross-bill. The answer of the original plaintiff to such cross-bill may be read and used by the party filing the cross-bill, at the hearing, in the same manner and under the same restrictions as the answer praying relief may now be read and used.

REFERENCE TO AND PROCEEDINGS BEFORE MASTERS.

74. Every decree for an account of the personal estate of a testator or intestate shall contain a direction to the master to whom it is referred to take the same, to inquire and state to the court what parts, if any, of such personal estate are outstanding or undisposed of, unless the court shall otherwise direct.

75. Whenever any reference of any matter is made to a master to examine and report thereon, the party at whose instance or for whose benefit the reference is made shall cause the same to be presented to the master for a hearing, on or before the next rule day succeeding the time when the reference was made; if he shall omit to do so, the adverse party shall be at liberty forthwith to cause proceedings to be had before the master, at the costs of the party procuring the reference.

76. Upon every such reference the master shall, as soon as he reasonably can after the same is brought before him, assign a time and place for proceedings in the same, and give due notice thereof to each of the parties or their solicitors; and if either party fail to appear at the time and place appointed, the master may proceed ex parte, or, in his discretion, adjourn the examination and proceedings to a future day, giving notice to the absent party or his solicitor of such adjournment. The master shall proceed with all reasonable diligence in every such reference, and with the least practicable delay, and either party may apply to the court, or a justice thereof, for an order to the master to speed the proceedings, and to make his report, and to certify to the court or judge the reasons for any delay.

77. In the reports made by the master to the court, no part of any state of facts, charge, affidavit, deposition, examination, or answer, brought in or used before him, shall be stated or recited. But such state of facts charge, affidavit, deposition, examination, or answer shall be so identified, specified, and referred to, as to inform the court what state of facts, charge, affidavit, deposition, examination, or answer was so brought in or used.

78. The master shall regulate all the proceedings in every hearing before him upon every such reference; and he shall have full authority—

To examine the parties in the cause upon oath touching all matters contained in the reference;

And also to require the production of all books, papers, writings, vouchers, and other documents applicable thereto;

And also to examine on oath, viva voce, all witnesses produced by the parties before him, and to order the examination of other witnesses to be taken, under a commission to be issued upon his certificate from

the clerk's office, or by deposition according to the acts of Congress, or otherwise, as hereinafter provided;

And also to direct the mode in which the matters requiring evidence shall be proved before him;

And generally to do all other acts, and direct all other inquiries and proceedings in the matters before him, which he may deem necessary and proper to the justice and merits thereof, and the rights of the parties.

79. Witnesses who live within the District may, upon due notice to the opposite party, be summoned to appear before the commissioner appointed to take testimony, or before a master or examiner appointed in any cause, by subpœna in the usual form, which may be issued by the clerk in blank, and filled up by the party praying the same, or by the commissioner, master, or examiner requiring the attendance of the witnesses at the time and place specified, who shall be allowed for attendance the same compensation as for attendance in court; and if any witness shall refuse to appear, or to give evidence, it shall be deemed a contempt of the court, which being certified to the clerk's office by the commissioner, master, or examiner, an attachment may issue thereupon by order of the court, or any justice thereof, in the same manner as if the contempt were for not attending, or for refusing to give testimony in the court. But nothing herein contained shall prevent the examination of witnesses viva voce when produced in open court, if the court shall in its discretion deem it advisable.

80. All parties accounting before a master shall bring in their respective accounts in the form of debtor and creditor; and any of the other parties who shall not be satisfied with the accounts so brought in shall be at liberty to examine the accounting party viva voce or upon the interrogatories in the master's office or by deposition, as the master shall direct.

81. All affidavits, depositions, and documents which have been previously made, read, or used in the court upon any proceeding in any cause or matter may be used before the master.

82. The master shall be at liberty to examine any creditor or other person coming in to claim before him, either upon written interrogatories or viva voce, or in both modes, as the nature of the case may appear to him to require. The evidence upon such examination shall be taken down by the master or by some other person by his order and in his presence, if either party requires it, in order that the same may be used by the court if necessary.

83. The compensation to be allowed to every master in chancery for his services in any particular case shall be fixed by the court in its discretion, having regard to all the circumstances thereof; and the compensation shall be charged upon and borne by such of the parties in the cause as the court shall direct. The master shall not retain his report as security for his compensation, but when the compensation is allowed by the court he shall be entitled to an attachment for the amount against the party who is ordered to pay the same, if upon notice thereof he does not pay it within the time prescribed by the court.

EXCEPTIONS TO REPORT OF MASTER.

84. The master, as soon as his report is ready, shall return the same into the clerk's office, and the day of the return shall be entered by the clerk in the order-book. The parties shall have one month from the time of filing the report to file exceptions thereto; and if no exceptions are within that period filed by either party the report shall stand con-

firmed on the next rule day after the month is expired. If exceptions are filed they shall stand for hearing before the court, if the court is then in session, or if not, then at the next sitting of the court which shall be held thereafter, by adjournment or otherwise.

85. And in order to prevent exceptions to reports from being filed for frivolous causes, or for mere delay, the party whose exceptions are overruled shall, for every exception overruled, pay costs to the other party, and for every exception allowed shall be entitled to costs, the costs to be fixed in each case by the court by a standing rule of the circuit court.

DECREES.

86. Clerical mistakes in decrees, or decretal orders, or errors arising from any accidental slip or omission, may at any time before an actual enrollment thereof be corrected by order of the court, or a judge thereof, upon petition without the form or expense of a rehearing.

87. In drawing up decrees and orders neither the bill nor answer nor other pleadings, nor any part thereof, nor the report of any master nor any other prior proceeding, shall be recited or stated in the decree or order; but the decree and order shall begin, in substance, as follows:

This cause came on to be heard, (or to be further heard, as the case may be,) at this term, and was argued by counsel; and thereupon, upon consideration thereof, it is ordered, adjudged, and decreed as follows, viz: (here insert the decree or order.)

88. Final process to execute any decree may, if the decree be solely for the payment of money, be by writ of fieri facias, as at law.

89. If the decree be for the performance of any specific act, as, for example, for the execution of a conveyance of land, or the delivery of possession, or the delivering up of deeds or other documents, the decree shall, in all cases, prescribe the time within which the act shall be done, of which the defendant shall be bound, without further service, to take notice; and upon affidavit of the plaintiff, filed in the clerk's office, that the same has not been complied with within the prescribed time, the clerk shall issue a writ of attachment against the delinquent party, from which, if attached thereon, he shall not be discharged, unless upon a full compliance with the decree and the payment of all costs, or upon a special order of the court, or of a judge thereof, upon motion and affidavit, enlarging the time for the performance thereof. If the delinquent party cannot be found, a writ of sequestration shall issue against his estate, upon the return of non est inventus, to compel obedience to the decree.

90. When any decree or order is for the delivery of possession, upon proof made by affidavit of a demand and refusal to obey the decree or order, the party prosecuting the same shall be entitled to a writ of assistance from the clerk of the court.

GUARDIAN AND PROCHEIN AMI.

91. Guardians ad litem to defend a suit may be appointed by the court for infants or other persons who are under guardianship, or otherwise incapable to sue for themselves. All infants and other persons so incapable may sue by their guardians, if any, or by their prochein ami, subject, however, to such orders as the court may direct for the protection of infants and other persons.

REHEARING.

92. Every petition for a rehearing shall contain the special matter or cause on which the rehearing is applied for, shall be signed by counsel; and the facts stated therein, if not apparent on the record, shall be ver-

ified by the oath of the party, or by some other person. No rehearing shall be granted after the term at which the final decree of the court shall have been entered and recorded, if an appeal lies to the supreme court. But if no appeal lies, the petition may be admitted, at any time before the end of the next term of the court, in the discretion of the court.

93. In all cases where these rules do not apply, the practice of the supreme court of this District shall be regulated by the present practice of the high court of chancery in England, so far as the same may reasonably be applied, consistently with the local circumstances and local convenience of the District, not as positive rules, but as furnishing just analogies to regulate the practice.

94. Whenever, under these rules, an oath is or may be required to be taken, the party may, if conscientiously scrupulous of taking an oath, in lieu thereof make solemn affirmation to the truth of the facts stated by him.

95. Every verification of a bill, answer, or petition, shall be to the following effect:

I do solemnly swear (affirm) that I have read (heard read) the (bill, answer, petition) by me subscribed, and know the contents thereof, and that the facts therein stated upon my personal knowledge are true, and that the facts therein stated upon information and belief, I believe to be true.

96. All pleadings and other proceedings, and copies thereof, shall be fairly and legibly written, and indorsed with the number and title of the cause; and if not so done, the clerk shall refuse to file the same. Every paper to be filed in a cause must be written on law cap.

97. Every solicitor or other officer of the court, who draws any pleading, deposition, report, or other paper, exceeding in length two folios, shall distinctly mark and number each folio in the margin thereof; and all copies, either for the parties, their attorneys, or the court, shall be marked and numbered in the margin, so as to correspond with the original draught or entry, and to each other.

DIVORCE.

98. In suits for divorce of either kind, or for nullity of marriage, if the defendant fail to answer the petition, or if the facts charged in the petition are not denied in the answer, the court shall order a reference to take proof of all the material facts stated in the petition; but in no case shall such reference be made to a person named by either party.

99. No divorce shall be granted for adultery, unless the petition, duly verified, charge that the adultery was committed without the consent, connivance, privity, or procurement of the petitioner; and that, after discovery of the offense, the petitioner has not voluntarily cohabited with the defendant.

100. If the suit be for nullity of marriage, on the ground that the petitioner was under the age of consent at the time of the marriage, it shall be averred in the bill that the parties thereto have not freely cohabited, as man and wife, after the petitioner attained said age.

101. If the suit be for nullity of marriage, on the ground that the petitioner's consent was procured by fraud, it must be averred in the petition that there has been no voluntary cohabitation between the parties as man and wife.

102. If the suit be for nullity of marriage, on the ground of petitioner's lunacy, it must be averred in the bill that the lunacy still continues, or that the parties have not cohabited since the petitioner's restoration to reason.

103. All bills for divorce, or for separation, or for nullity of marriage, must be verified in the mode prescribed in Rule 95. The answer to the petition may or may not be verified, at the option of the petitioner.

104. On reference to take proof of the facts charged in a petition for a divorce from bed and board, the examination of the petitioner, on oath or affirmation, may be taken as to any cruel or inhuman treatment alleged in the petition to have taken place when no witness was present competent to testify.

105. The defendant in the answer may set up the adultery of the petitioner, or any other matter which would be a bar to a divorce or annulment of the marriage; and if an issue be taken thereon, it shall be tried at the same time, in the same manner, as the other matters of the cause.

CHAPTER II.—MECHANICS' LIEN.

1. In what cases.
2. Notice.
3. When action to be commenced.
4. Complaint.
5. Summons.
6. Enforced in equity.
7. Priorities.
8. Prior incumbrances.
9. Creditors may contest prior incumbrances.
10. Upon what property.
11. All may join in one action.
12. Entering of satisfaction.
13. Not to bar action on contract.
14. Claim of sub-contractor.
15. Amount recovered may be set off.
16. Lien on chattels.
17. Special agreements.
18. Undertaking.

1. Any person who shall hereafter, by virtue of any contract with the owner of any building, or with the agent of such owner, perform any labor upon, or furnish any materials, engine, or machinery, for the construction or repairing of such building, shall, upon filing the notice prescribed in section second of this chapter, have a lien upon such building and the lot of ground upon which the same is situated, for such labor done, or materials, engine, or machinery furnished, when the amount shall exceed twenty dollars.

2. Any person wishing to avail himself of this chapter, whether his claim be due or not, shall file in the office of the clerk of the supreme court for this District, at any time within three months after the completion of such building or repairs, a notice of his intention to hold a lien upon the property declared by this chapter liable to such lien, for the amount due or to become due to him, specially setting forth the amount claimed. Upon his failure to do so, the lien shall be lost. The clerk aforesaid shall file and record such notice in a book provided for that purpose.

3. Such lien shall cease to exist at the expiration of one year after the completion of the building or repairs, unless before that time an action to enforce the same shall have been commenced in the said supreme court by the person having such lien against the owner with whom or with whose agent the contract was made, unless such claim be not due at the expiration of one year after such completion, in which case the action shall be commenced within three months after the same shall have become due.

4. The complaint of the plaintiff shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, the time when the building was completed, if it be completed, with a description of the premises, and any other material facts; and shall pray that the premises may be sold, and the proceeds of the sale applied to the discharge of the lien.

5. The summons shall be served as in other cases, or, instead of service by publication, it may be made by delivering a copy thereof to the person in possession of the premises. If the defendant shall have sold or disposed of the premises before the service of the summons, the court shall direct notice of the proceedings to be served on the purchaser or his agent for the premises, who may thereupon, if he desire it, be made a party defendant in the action.

6. The proceedings to enforce such lien shall be by bill or petition in equity; and, if judgment be rendered for the plaintiff, the decree, besides subjecting the thing upon which the lien has attached to the satisfaction of the plaintiff's demand against the defendant, shall adjudge that plaintiff recover his demand against the defendant, and that he may have execution thereof, as at law.

7. The liens created in pursuance of the provisions of this chapter shall have precedence over all other liens or incumbrances which attached upon the premises subsequent to the time at which said notice was given. If, upon a sale of the premises on execution, the proceeds be insufficient to pay all such liens, the court shall order them to be paid in proportion to the amount respectively due to each. And any other property of the defendant, not exempt from execution, may be sold to satisfy such execution.

8. No incumbrance upon land created before or after the filing of said notice of lien with the clerk, under the provisions of this chapter, shall operate upon the building erected or materials furnished until the lien in favor of the person performing the work or furnishing the materials shall have been satisfied; and upon questions arising between previous incumbrances and creditors under the provisions of this chapter, the previous incumbrance shall be preferred to the extent of the value of the land at the time when the plaintiff began to perform the labor or furnish the materials, and the court shall ascertain what proportion of the proceeds of any sale shall be paid to the several parties in interest.

9. Creditors who file bills or petitions under the provisions of this chapter may contest the validity of incumbrances, as well in regard to amount as to their justice; and any incumbrance, whether by deed of trust, judgment, or otherwise, charged and shown to be fraudulent in respect to such creditor, or in respect to creditors generally, may be set aside by the court, and the premises made subject to the claim of the creditor, freed and discharged from such fraudulent incumbrance.

10. If the building be on any land lying outside the corporate limits of Washington City and Georgetown, the land upon which the same is erected, together with the space around the same, not exceeding five hundred square feet clear of the building, shall also be subject to said lien, if the said land at the time of the erection or repair of such building shall have been the property of the person contracting for the erection or repair of the same. If the building be in Washington City or Georgetown, the ground on which the same is erected, and a space of ground equal to the front of the building, and extending to the depth of the lot or lots on which the same is erected, shall also be bound by the said lien, subject to the foregoing proviso.

11. All or any number of persons having liens on the same building, pursuant to the provisions of this chapter, may join in one action; but their claims shall be stated distinctly, as in a separate action, and the decree shall show the amounts to which they are respectively entitled. If several such actions be brought by different claimants, and be pending at the same time, the court may order them to be consolidated.

12. Whenever any person having a lien, by virtue of the provisions of this chapter, shall have received satisfaction for his claim, and the cost of his proceedings thereon, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within six days after such payment or tender, enter satisfaction of his demand in the office of the clerk aforesaid; and upon failure to do so, he shall forfeit and pay fifty dollars to the party aggrieved, and all damages which he may have sustained in consequence of such failure or neglect.

13. Nothing contained in this chapter shall be construed to prevent any creditor from maintaining an action at law upon his contract, in like manner as if he had no lien for the security of his debt.

14. Any sub-contractor, journeyman, laborer, or other person. employed in the construction or repairing of any building, or in furnishing any materials or machinery for the same, may give, at any time, the owner thereof notice, in writing, particularly setting forth the amount of his claim and the service rendered, for which his employer is indebted to him, and that he holds the owner responsible for the same, and the owner of the building shall be liable for such claim, but not to exceed the amount due from him to the employer at the time of notice, or subsequently, which may be recovered in an action, in which the employer and owner shall both be proper parties.

15. Whenever any sub-contractor, journeyman, laborer, or other person shall recover any such claim from the owner of the building, the same may be set off by such owner in any action brought against him by the person who otherwise would be entitled to recover the same under the contract.

16. Any person having possession of the same, who shall make, alter, repair, or bestow any labor on any article of personal property, at the request of the lawful possessor thereof, shall have a lien on such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the materials he has furnished; and such person may hold and retain possession of the same until such just and reasonable charges shall be paid; but if possession pass from such person by his consent, the lien shall cease.

17. The provisions of the preceding section shall not interfere with any special agreement of the parties.

18. In all proceedings commenced under this chapter, the defendant may file a written undertaking, with surety to be approved by the court, to the effect that he will pay the judgment that may be recovered, and costs, and thereby release his property from the lien hereby created.

TITLE V.—ADMIRALTY RULES.

CHAPTER I.—ADMIRALTY RULES.

Process in personam.

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71. Residue of deposits, how disposed of.
73. Clerk's duty.

Security for costs.

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76. By defendant.

Confiscation.

77. Collection of rents.

1. No mesne process shall issue from the District courts, in any civil cause of admiralty and maritime jurisdiction, until the libel or libel of information shall be filed in the clerk's office from which such process is to issue. All process shall be served by the marshal, or by his deputy, or, where he or they are interested, by some discreet and disinterested person appointed by the court.

2. In suits in personam, the mesne process may be—

By a simple warrant of arrest of the person of the defendant, in the nature of a capias; or

By a warrant of arrest of the person of the defendant, with a clause therein, that if he cannot be found, to attach his goods and chattels to the amount sued for;

Or if such property cannot be found, to attach his credits and effects to the amount sued for in the hands of the garnishees named therein;

Or by a simple monition, in the nature of a summons to appear and answer to the suit, as the libelant shall, in his libel or information, pray for or elect.

3. In all suits in personam, where a simple warrant of arrest issues and is executed, the marshal may take bail, with sufficient sureties, from the party arrested, by bond or stipulation, upon condition that he will appear in the suit and abide by all orders of the court, interlocutory or final, in the cause, and pay the money awarded by the final decree rendered therein in the court to which the process is returnable, or in any appellate court. And upon such bond or stipulation summary process of execution may and shall be issued against the principal and sureties by the court to which such process is returnable, to enforce the final decree so rendered, or upon appeal by the appellate court. (Rule 48.)

4. In all suits in personam, where goods and chattels, or credits and effects, are attached under such warrant authorizing the same, the attachment may be dissolved by order of the court to which the same warrant is returnable, upon the defendant whose property is so attached giving a bond or stipulation, with sufficient sureties, to abide by all orders, interlocutory or final, of the court, and pay the amount awarded by the final decree rendered in the court to which the process is returnable, or in any appellate court; and upon such bond or stipulation summary process of execution shall and may be issued against the principal and sureties by the court to which such warrant is returnable, to enforce the final decree so rendered, or upon appeal by the appellate court.

5. Bonds or stipulations in admiralty suits may be given and taken in open court, or at chambers, or before any commissioner of the court who is authorized by the court to take affidavits of bail, and depositions in cases pending before the court, or any commissioner of the United States authorized by law to take bail and affidavits in civil cases.

6. In all suits in personam, where bail is taken, the court may, upon motion, for due cause shown, reduce the amount of the sum contained in the bond or stipulation therefor; and in all cases where a bond or stipulation is taken as bail, or upon dissolving an attachment of property as aforesaid, if either of the sureties shall become insolvent pending the suit, new sureties may be required by the order of the court to be given, upon motion, and due proof thereof.

7. In suits in personam, no warrant of arrest, either of the person or property of the defendant, shall issue for a sum exceeding five hundred dollars, unless by the special order of the court, upon affidavit or other proper proof, showing the propriety thereof.

8. In all suits in rem against a ship, her tackle, sails, apparel, furniture, boats, or other appurtenances, if such tackle, sails, apparel, furniture, boats, or other appurtenances are in the possession or custody of any third person, the court may, after a due motion to such third person, and a hearing of the cause, if any, why the same should not be delivered over, award and decree that the same be delivered into the custody of the marshal, or other proper officer, if, upon the hearing, the same is required by law and justice.

PROCESS IN REM.

9. In all cases of seizure, and in other suits and proceedings in rem, the process, unless otherwise provided for by statute, shall be by a warrant of arrest of the ship, goods, or other things to be arrested; and the marshal shall thereupon arrest and take the ship, goods, or other things into his possession for safe custody; and shall cause public notice thereof, and of the time assigned for the return of such process and the hearing of the cause, to be given in such newspaper within the District as the district court shall order; and if there is no newspaper published therein, then in such other public places in the District as the court shall direct.

10. In all cases where any goods or other things are arrested, if the same are perishable, or are liable to deterioration, decay, or injury, by being detained in custody pending the suit, the court may, upon the application of either party, in its discretion, order the same or so much thereof to be sold as shall be perishable or liable to depreciation, decay, or injury; and the proceeds, or so much thereof as shall be a full security to satisfy the decree, to be brought into court to abide the event of the suit; or the court may, upon the application of the claimant, order a delivery thereof to him, upon a due appraisement, to be had under its direction, either upon the claimant's depositing in court so much money as the court shall order, or upon his giving a stipulation, with sureties in such sum as the court shall direct, to abide by and pay the money awarded by the final decree rendered by the court, or the appellate court if any appeal intervenes, as the one or the other course shall be ordered by the court.

11. In like manner, where any ship shall be arrested, the same may, upon the application of the claimant, be delivered to him, upon a due appraisement, to be had under the direction of the court, upon the claimant's depositing in court so much money as the court shall order, or upon his giving a stipulation, with sureties as aforesaid; and if the claimant shall decline any such application, then the court may, in its discretion, upon the application of either party, upon due cause shown, order a sale of such ship, and the proceeds thereof to be brought into court, or otherwise disposed of, as it may deem most for the benefit of all concerned.

12. In all suits by material men for supplies or repairs, or other necessaries, the libelant may proceed against the ship and freight in rem, or against the master or owner alone in personam.

13. In all suits for mariners' wages, the libelant may proceed against the ship, freight, and master, or against the ship and freight, or against the owner or master alone, in personam.

14. In all suits for pilotage, the libelant may proceed against the ship and master, or against the ship, or against the owner alone, or the master alone, in personam.

15. In all suits for damage by collision, the libelant may proceed against the ship and master, or against the ship alone, or against the master or the owner alone, in personam.

16. In all suits for an assault or beating on the high seas, or elsewhere within the admiralty and maritime jurisdiction, the suit shall be in personam only.

17. In all suits against the ship or freight, founded upon a mere maritime hypothecation, either expressed or implied, of the master, for moneys taken up in a foreign port for supplies, or repairs, or other necessaries for the voyage, without any claim of marine interest, the libel-

ant may proceed either in rem or against the master or the owner alone in personam.

18. In all suits on bottomry bonds, properly so called, the suit shall be in rem only, against the property hypothecated, or the proceeds of the property, in whosesoever hands the same may be found, unless the master has, without authority, given the bottomry bond, or by his fraud or misconduct has avoided the same, or has subtracted the property, or unless the owner has, by his own misconduct or wrong, lost or subtracted the property, in which latter cases the suit may be in personam against the wrong-doer.

19. In all suits for salvage, the suit may be in rem against the property saved, or the proceeds thereof, or in personam against the party at whose request and for whose benefit the salvage service has been performed.

20. In all petitory and possessory suits between part owners or adverse proprietors; or by the owners of a ship, or the majority thereof, against the master of a ship for the ascertainment of the title and delivery of the possession; or for the possession only; or by one or more part owners against the others to obtain security for the return of the ship from any voyage undertaken without their consent; or by one or more part owners against the others to obtain possession of the ship for any voyage, upon giving security for the safe return thereof, the process shall be by an arrest of the ship, and by a monition to the adverse party or parties to appear and make answer to the suit.

21. In all cases of a final decree for the payment of money, the libelant shall have a writ of execution, in the nature of a fieri facias, commanding the marshal or his deputy to levy and collect the amount thereof out of the goods and chattels, lands and tenements, or other real estate of the defendant or stipulators.

INFORMATION.

22. All information and libels of information, upon seizures for any breach of the revenue, or navigation, or other laws of the United States, shall state the place of seizure, whether it be on land or on the high sea, or on navigable waters within the admiralty and maritime jurisdiction of the United States, and the district within which the property is brought, and where it then is. The information or libel of information shall also propound in distinct articles the matters relied on as grounds or causes of forfeiture, and aver the same to be contrary to the form of the statute or statutes of the United States in such case provided, as the case may require, and shall conclude with a prayer of due process to enforce the forfeiture, and to give notice to all persons concerned in interest to appear and show cause, at the return day of the process, why the forfeiture should not be decreed.

23. All libels in instance causes, civil or maritime, shall state the nature of the cause—as, for example, that it is a cause, civil or maritime, of contract, or of tort or damage, or of salvage, of possession, or otherwise, as the case may be; and if the libel be in rem, that the property is within the District; and if in personam, the names, and occupations, and places of residence of the parties. The libel shall also propound and articulate in distinct articles the various allegations of fact upon which the libelant relies in support of his suit, so that the defendant may be enabled to answer distinctly and separately the several matters contained in each article; and it shall conclude with a prayer of due process to enforce his rights in rem, or in personam, (as the case may re-

quire,) and for such relief and redress as the court is competent to give in the premises. And the libelant may further require the defendant to answer on oath all interrogatories propounded by him touching all and singular the allegations in the libel at the close or conclusion thereof.

24. In all informations and libels in causes of admiralty and maritime jurisdiction, amendments, in matters of form, may be made at any time, on motion, to the court as of course. And new counts may be filed, and amendments, in matters of substance, may be made upon motion, at any time before the final decree, upon such terms as the court shall impose. And where any defect of form is set down by the defendant upon special exceptions, and is allowed, the court may, in granting leave to amend, impose terms upon the libelant.

SECURITY FOR COSTS.

25. In all cases of libel in personam the court may, in its discretion, upon the appearance of the defendant, where no bail has been taken and no attachment of property has been made to answer the exigency of the suit, require the defendant to give a stipulation, with sureties in such sum as the court shall direct, to pay all costs and expenses which shall be awarded against him in the suit, upon the final adjudication thereof, or by any interlocutory order, in the progress of the suit.

26. In suits in rem, the party claiming the property shall verify his claim on oath or solemn affirmation, stating that the claimant, by whom or on whose behalf the claim is made, is the true and bona fide owner, and that no other person is the owner thereof. And when the claim is put in by an agent or consignee, he shall also make oath that he is duly authorized thereto by the owner, or if the property be at the time of the arrest in the possession of the master of a ship, that he is the lawful bailee thereof for the owner. And upon putting in such claim the claimant shall file a stipulation, with sureties in such sum as the court shall direct, for the payment of all costs and expenses which shall be awarded against him by the final decree of the court, or upon an appeal by the appellate court.

27. In all libels in causes of civil and maritime jurisdiction, whether in rem or in personam, the answer of the defendant to the allegations in the libel shall be on oath or solemn affirmation; and the answer shall be full and explicit and distinct to each separate article and separate allegation in the libel, in the same order as numbered in the libel, and shall also answer in like manner each interrogatory propounded at the close of the libel.

28. The libelant may except to the sufficiency, or fullness, or distinctness, or relevancy of the answer to the articles and interrogatories in the libel; and, if the court shall adjudge the same exceptions, or any of them, to be good and valid, the court shall order the defendant forthwith, within such time as the court shall direct, to answer the same: and may further order the defendant to pay such costs as the court shall adjudge reasonable.

29. If the defendant shall omit or refuse to make due answer to the libel upon the return day of the process, or other day assigned by the court, the court shall pronounce him to be in contumacy and default, and thereupon the libel shall be adjudged to be taken pro confesso against him, and the court shall proceed to hear the cause ex parte, and adjudge therein, as to law and justice shall pertain; but the court may, in its discretion, set aside the default, and, upon the application of the

defendant, admit him to make answer to the libel at any time before the final hearing and decree, upon his payment of all the costs of the suit up to the time of granting leave therefor.

30. In all cases where the defendant answers, but does not answer fully and explicitly and distinctly, to all the matters in any article of the libel, and exception is taken thereto by the libelant, and the exception is allowed, the court may, by attachment, compel the defendant to make further answer thereto, or may direct the matter of the exception to be taken pro confesso against the defendant to the full purport and effect of the article to which it purports to answer, and as if no answer had been put in thereto.

31. The defendant may object, by his answer, to answer any allegation or interrogatory contained in the libel which will expose him to any prosecution or punishment for a crime, or for any penalty or any forfeiture of his property for any penal offense.

32. The defendant shall have a right to require the personal answer of the libelant, upon oath or solemn affirmation, to any interrogatories which he may, at the close of his answer, propound to the libelant, touching any matters charged in libel, or touching any matter of defense set up in the answer, subject to the like exceptions as to matters which shall expose the libelant to any prosecution, or punishment, or forfeiture, as is provided in Rule 31. In default of due answer by the libelant to such interrogatories, the court may adjudge the libelant to be in default and dismiss the libel, or may compel his answer in the premises by attachment, or take the subject-matter of the interrogatory pro confesso in favor of the defendant, as the court, in its discretion, shall deem most fit to promote public justice.

33. Where either the libelant or the defendant is out of the country, or unable, from sickness or other casualty, to make an answer to any interrogatory on oath or affirmation at the proper time, the court may, in its discretion, in furtherance of the due administration of justice, dispense therewith, or may award a commission to take the answer of the defendant when and as soon as it may be practicable.

34. If any third person shall intervene in any cause of admiralty and maritime jurisdiction in rem, for his own interest, and he is entitled, according to the course of admiralty proceedings, to be heard for his own interest therein, he shall propound the matter in suitable allegations, to which, if admitted by the court, the other party or parties in the suit may be required, by order of the court, to make due answer; and such further proceedings shall be had, and decree rendered by the court therein, as to law and justice shall appertain. But every such intervenor shall be required, upon filing his allegations, to give a stipulation, with sureties, to abide by the final decree rendered in the cause, and to pay all such costs, and expenses, and damages as shall be awarded by the court upon the final decree, whether it is rendered in the original or appellate court.

35. Stipulations in admiralty and maritime suits may be taken in open court, or by the proper judge at chambers, or, under his order, by any commissioner of the court, who is a standing commissioner of the court, and is now by law authorized to take affidavits of bail, and also depositions in civil causes pending in the courts of the United States.*

36. Exception may be taken to any libel, allegation, or answer, for surplusage, irrelevancy, impertinence, or scandal; and if, upon reference to a master, the exception shall be reported to be so objectionable,

* The clerk may do it. 1853, c. §.

and allowed by the court, the matter shall be expunged, at the cost and expense of the party in whose libel or answer the same is found.

37. In cases of foreign attachment, the garnishee shall be required to answer on oath or solemn affirmation as to the debts, credits, or effects of the defendant in his hands, and to such interrogatories, touching the same, as may be propounded by the libelant; and if he shall refuse or neglect so to do, the court may award compulsory process in personam against him. If he admits any debts, credits, or effects, the same shall be held in his hands, liable to answer the exigency of the suit.

38. In cases of mariners' wages, or bottomry, or salvage, or other proceedings in rem, where freight or other proceeds of property are attached, or are bound by the suit, which are in the hands or possession of any person, the court may, upon due application by petition of the party interested, require the party charged with the possession thereof to appear and show cause why the same should not be brought into court to answer the exigency of the suit; and if no sufficient cause be shown, the court may order the same to be brought into court to answer the exigency of the suit, and, upon failure of the party to comply with the order, may award an attachment, or other compulsive process, to compel obedience thereto.

39. If, in any admiralty suit, the libelant shall not appear and prosecute his suit according to the course and orders of the court, he shall be deemed in default and contumacy, and the court may, upon the application of the defendant, pronounce the suit to be deserted, and the same may be dismissed with costs.

40. The court may, in his discretion, upon the motion of the defendant and the payment of costs, rescind the decree in any suit in which, on account of its contumacy and default, the matter of the libel shall have been decreed against him, and grant a rehearing thereof at any time within ten days after the decree has been entered, the defendant submitting to such further orders and terms in the premises as the court may direct.

41. All sales of property under any decree in admiralty shall be made by the marshal or his deputy, or other proper officer assigned by the court where the marshal is a party in interest, in pursuance of the orders of the court; and the proceeds thereof, when sold, shall be forthwith paid into the registry of the court by the officer making the sale, to be disposed of by the court according to law.

42. All moneys paid into the registry of the court shall be deposited in some bank designated by the court, and shall be so deposited in the name of the court, and shall not be drawn out except by a check or checks signed by a judge of the court and countersigned by the clerk, stating on whose account and for whose use it is drawn, and in what suit, and out of what fund in particular it is paid. The clerk shall keep a regular book containing a memorandum and copy of all the checks so drawn, and the date thereof.

43. Any person having an interest in any proceeds in the registry of the court shall have a right, by petition and summary proceeding, to intervene, pro interesse suo, for a delivery thereof to him; and, upon due notice to the adverse parties, if any, the court shall and may proceed summarily to hear and decide thereon, and to decree therein according to law and justice; and if such petition or claim shall be deserted, or, upon a hearing, be dismissed, the court may, in its discretion, award costs against the petitioner in favor of the adverse party.

44. In cases where the court shall deem it expedient or necessary, for the purposes of justice, the court may refer any matters arising in the

progress of the suit to one or more commissioners, to be appointed by the court, to hear the parties and make report therein; and such commissioner or commissioners shall have and possess all the powers in the premises which are usually given to or exercised by masters in chancery in references to them, including the power to administer oaths to and examine the parties and witnesses touching the premises.

45. All appeals from the district to the circuit court must be made while the court is sitting, or within such other period as shall be designated by the district court by its general rules, or by an order specially made in the particular suit, or, in case no such rule or order be made, then within thirty days from the rendering of the decree.

46. In all cases not provided for by the foregoing rules, the district and circuit courts are to regulate the practice of the said courts respectively, in such manner as they shall deem most expedient for the due administration of justice in suits in admiralty.

47. In all suits in personam, where a simple warrant of arrest issues and is executed, bail shall be taken by the marshal and the court in those cases only in which it is required by the laws of the State, where an arrest is made upon similar or analogous process issuing from the State courts.

An imprisonment for debt, on process issuing out of the admiralty court, is abolished in all cases where, by the laws of the State in which the court is held, imprisonment for debt has been, or shall be hereafter, abolished, upon similar or analogous process issuing from a State court.

48. Rule 27 shall not apply to cases where the sum or value in dispute does not exceed fifty dollars, exclusive of costs, unless the district court shall be of opinion that the proceedings prescribed by that rule are necessary, for the purposes of justice, in the case before the court.

All rules and parts of rules heretofore adopted, inconsistent with this order, are hereby repealed and annulled.

49. Further proof, taken in a circuit court upon an admiralty appeal, shall be by deposition, taken before some commissioner appointed by a circuit court, pursuant to the acts of Congress in that behalf, or before some officer authorized to take depositions by the thirtieth section of the act of Congress of the 24th of September, 1789, upon an oral examination and cross-examination, unless the court in which such appeal shall be pending, or one of the judges thereof, shall, upon motion, allow a commission to issue to take such deposition upon written interrogatories and cross-interrogatories. When such deposition shall be taken by oral examination, a notification from the magistrate before whom it is to be taken, or from the clerk of the court in which such appeal shall be pending, to the adverse party to be present at the taking of the same, and to put interrogatories, if he think fit, shall be served on the adverse party, or his attorney, allowing time for their attendance after being notified—not less than twenty-four hours—and, in addition thereto, one day, Sundays exclusive, for every twenty miles' travel: *Provided*, That the court in which such appeal may be pending, or either of the judges thereof, may, upon motion, increase or diminish the length of notice above required.

50. When oral evidence shall be taken down by the clerk of the district court, pursuant to the above-mentioned section of the act of Congress, and shall be transmitted to the circuit court, the same may be used in evidence on the appeal, saving to each party the right to take the depositions of the same witnesses, or either of them, if he should so elect.

51. When the defendant, in his answer, alleges new facts, these shall

be considered as denied by the libelant, and no replication, general or special, shall be allowed. But within such time after the answer is filed as shall be fixed by the district court, either by general rule or by special order, the libelant may amend his libel, so as to confess and avoid, or explain, or add to, the new matters set forth in the answer; and within such time as may be fixed, in like manner, the defendant shall answer such amendments.

52. The clerks of the district courts shall make up the records to be transmitted to the circuit courts on appeals, so that the same shall contain the following:

(1.) The style of the court.

(2.) The names of the parties, setting forth the original parties, and those who have become parties before the appeal, if any change has taken place.

(3.) If bail was taken, or property was attached or arrested, the process of arrest or attachment, and the service thereof, all bail and stipulations, and, if any sale has been made, the orders, warrants, and reports relating thereto.

(4.) The libel, with exhibits annexed thereto.

(5.) The pleadings of the defendant, with the exhibits annexed thereto.

(6.) The testimony on the part of the libelant, and any exhibits not annexed to the libel.

(7.) The testimony on the part of the defendant, and any exhibits not annexed to his pleadings.

(8.) Any order of the court to which exception was made.

(9.) Any report of an assessor or assessors, if excepted to, with the orders of the court respecting the same, and the exceptions to the report. If the report was not excepted to, only the fact that a reference was made, and so much of the report as shows what results were arrived at by the assessor, are to be stated.

(10.) The final decree.

(11.) The prayer for an appeal, and the action of the district court thereon; and no reasons of appeal shall be filed or inserted in the transcript.

The following shall be omitted:

(1.) The continuance.

(2.) All motions, rules, and orders, not excepted to, which are merely preparatory for trial.

(3.) The commission to take depositions, notices therefor, their captions, and certificates of their being sworn to, unless some exception to a deposition in the district court was founded on some one or more of these; in which case so much of either of them as may be involved in the exception shall be set out. In all other cases it shall be sufficient to give the name of the witness, and to copy the interrogatories and answers, and to state the name of the commissioner, and the place where, and the date when, the deposition was sworn to; and in copying all depositions taken on interrogatories, the answer shall be inserted immediately following the question.

The clerk of the district court shall page the copy of the record thus made up, and shall make an index thereto, and he shall certify the entire document, at the end thereof, under the seal of the court, to be a transcript of the record of the district court, in the cause named at the beginning of the copy made up pursuant to this rule; and no other certificate of the record shall be needful or inserted.

53. Whenever a cross-libel be filed upon any counter-claim arising out of the same cause of action for which the original libel was filed, the

respondents in the cross-libel shall give security, in the usual amount and form, to respond in damages, as claimed in said cross-libel, unless the court, on cause shown, shall otherwise direct; and all proceedings upon the original libel shall be stayed until such security shall be given.

54. When any ship or vessel shall be libeled, or the owner or owners thereof shall be sued for any embezzlement, loss, or destruction by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise, shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture done, occasioned, or incurred without the privity or knowledge of such owner or owners, and he or they shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the said act above recited, the said owner or owners shall and may file a libel or petition in the proper district court of the United States, as hereinafter specified, setting forth the facts and circumstances on which such limitation of liability is claimed, and praying proper relief in that behalf; and thereupon said court, having caused due appraisement to be had of the amount or value of the interest of said owner or owners, respectively, in such ship or vessel, and her freight for the voyage, shall make an order for the payment of the same into court, or for the giving of a stipulation with sureties for payment thereof into court, whenever the same shall be ordered; or, if the said owner or owners shall so elect, the said court shall, without such appraisement, make an order for the transfer by him or them or his or their interest in such vessel and freight, to a trustee to be appointed by the court under the fourth section of said act; and upon compliance with such order, the said court shall issue a monition against all persons claiming damages for any such embezzlement, loss, destruction, damage, or injury, citing them to appear before the said court and make due proof of their respective claims at or before a certain time to be named in said writ, not less than three months from the issuing of the same; and public notice of such monition shall be given as in other cases, and such further notice served through the post-office, or otherwise, as the court, in its discretion, may direct; and the said court shall also, on the application of the said owner or owners, make an order to restrain the further prosecution of all and any suit or suits against said owner or owners in respect of any such claim or claims.

55. Proof of all claims which shall be presented in pursuance of said monition, shall be made before a commissioner to be designated by the court, subject to the right of any person interested to question or controvert the same; and, upon the completion of said proofs, the commissioner shall make report of the claims so proven, and upon confirmation of said report, after hearing any exceptions thereto, the moneys paid or secured to be paid into court as aforesaid, or the proceeds of said ship or vessel and freight, (after payment of costs and expenses,) shall be divided pro rata among the several claimants in proportion to the amount of their respective claims, duly proved and confirmed as aforesaid, saving, however, to all parties any priority to which they may be legally entitled.

56. In the proceedings aforesaid, the said owner or owners shall be at liberty to contest his or their liability, or the liability of said ship or vessel, for said embezzlement, loss, destruction, damage, or injury, (independently of the limitation of liability claimed under said act,) provided that in his or their libel or petition, he or they shall state the facts and circumstances by reason of which exemption from liability is claimed; and any person or persons claiming damages as aforesaid, and

who shall have presented his or their claim to the commissioner under oath, shall and may answer such libel or petition, and contest the right of the owner or owners of said ship or vessel, either to an exemption from liability, or to a limitation of liability under the said act of Congress, or both.

57. The said libel or petition shall be filed and the said proceedings had in any district court of the United States in which said ship or vessel may be libeled to answer for any such embezzlement, loss, destruction, damage, or injury; or, if the said ship or vessel be not libeled, then in the district court for any district in which the said owner or owners may be sued in that behalf. If the ship have already been libeled and sold, the proceeds shall represent the same for the purposes of these rules.

PROCEEDINGS IN PRIZE-CASES.

58. The subject of prize not being provided for in the foregoing rules, the court adopts the following, chiefly drawn from acts of Congress, of 1862, c. 50, and 1863, c. 86.

59. Whenever any property captured as prize shall be brought into any district of the United States for adjudication, it shall be the duty of the prize-commissioners of said district—

To receive, seal, and safely keep the same until process shall be issued out of the court under which the same shall be placed in the custody of the marshal of the district.

To examine into the condition of the said property at the time of taking such possession, and from time to time pending the adjudication.

To report to the court, upon such examination, whether the same or any part thereof be perishing or perishable, or deteriorating in value.

To receive from the prize-master all the papers and documents found on board.

To proceed forthwith to take the testimony of the witnesses prescribed by law, *i. e.*, the principal officers and some of the crew of the captured vessel, separately from each other, and unattended by counsel, pursuant to the rules and under the interrogatories adopted by the court.

To seal with their seals, securely, the said papers, documents, and testimony, and as soon as possible deposit the same in the registry of the court.

60. Thereafter, promptly, and without any unnecessary delay, the court shall proceed to hearing and adjudication.

61. Whenever two or more things belonging to the same person or persons are or shall be seized for an alleged violation of the revenue laws, the whole shall be included in one suit; and if not so included, and separate actions are prosecuted, the court may consolidate them.

62. The court shall order a sale of prize property in the following cases:

Whenever it shall be condemned.

Whenever, at any stage of the proceedings, it shall be found by the court to be perishing, perishable, or liable to deteriorate or depreciate.

Whenever the cost of keeping it shall be disproportionate to its value.

Whenever all the parties in interest, who have appeared in the case, shall agree to a sale.

63. All sales of prize property shall be made by the marshal, under the orders of the court.

64. Upon any such sale the marshal shall forthwith deposit the gross proceeds thereof with the assistant treasurer of the United States nearest the place of sale.

65. Said deposits shall be made subject to the order of the court in the particular case, whether the order of sale so direct or not.

66. And the court may at any time order the payment from such deposit—

Of the expenses and disbursements necessarily incurred in the custody, preservation, and sale of the property, the same being first audited and allowed by the court in the manner provided by law.

Charges for pilotage, towage, wharfage, storage, insurance, and other expenses incident to the bringing in, and safe custody, and sale of the property captured as prize, shall be paid out of the proceeds of any sale, interlocutory or final, of the property in the custody of the court.

67. In case of a decree of restitution, upon payment of costs, where no sale has been made, such charges and expenses shall constitute part of the costs to be paid by the claimant.

68. In case of a decree of condemnation or restitution, upon payment of costs, a just and suitable compensation, to be adjusted and determined by the court, upon due consideration of their several and respective services in each prize case or proceeding, shall be paid out of the proceeds of the prize property in custody of the court, or in whole or in part by the claimant, as the court shall direct—

To the prize-commissioners, to the district attorney, and to the counsel for the captors.

The compensation to the counsel of the captors, however, to be confined to compensation for such services as may be rendered necessary by reason of the captors having interests conflicting with those of the United States, and proper, in the opinion of the court, to be represented by separate counsel from those representing the United States.

69. When a decree of condemnation shall be made in any cause, the court may order payment from the said deposit of the costs, fees, and charges decreed in the cause.

70. In case the final decree shall be for restitution without costs, the costs, fees, and disbursements allowed by the court, and unpaid, shall be a charge upon the fund for defraying the expenses of suits in which the United States is a party or interested.

71. After the payment of costs, fees, and expenses, the residue of the deposit shall, by order of the court, be paid into the Treasury of the United States, for distribution according to the decree.

72. Whereupon the prize-commissioners shall proceed, under the direction of the court, to take the requisite evidence, and report the same to the court, to the end that a final decree shall be made, determining what public ships of the United States are entitled to share in the prize, whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture.

73. And the clerk of the court shall forthwith transmit to the Secretary of the Treasury and the Secretary of the Navy, certified copies of said final decree of distribution.

SECURITY FOR COSTS.

74. When the libellant is not a resident of the District, he shall, at the time of commencing his suit, give a bond or stipulation, with one or more sufficient sureties, in the sum of at least one hundred dollars if the suit be in personam, and in the sum of at least two hundred and fifty dollars if the suit be in rem, conditioned that he will appear from time to time, and abide all orders, interlocutory or final, of the court, and pay the costs and expenses, if any, which shall be awarded against him by

the final decree of this court, or of any appellate court: *Provided, however*, That the regulation shall not extend to suits for seamen's wages, nor to suits for salvage, when the salvors have come into port in possession of the property libeled, nor to suits on the prize side of the court.

75. But the above rule shall not be interpreted to prevent the court from requiring the libelant to give security for costs in any case whatever, on proper grounds shown by the defendant on claimant, on pain of dismissing his libel.

76. Instead of the bond or stipulation provided for in the two preceding rules, the party may deposit in court a sum of money of the like amount. (See Rule 25.)

CONFISCATION.

77. On and after the seizure of the property and estate of enemies of the Government of the United States, under the confiscation act of July 17, 1862, the marshal will collect all the rents, issues, and profits then or thereafter issuing from or payable by the tenants or occupants of the same; and may, in his discretion, remove the tenants or occupants aforesaid, and let the property to other tenants, taking ample security for the rents thereafter to become due; shall, from time to time, as they come to his hands, pay said rents and profits into the registry of the court, to the credit of the said property, respectively: and may exercise a proper discretion in using a portion of said rents and profits, should the same be needed to preserve the property from waste, or restore it to tenantable condition. (July 31, 1863.)

THE STANDING INTERROGATORIES.

First interrogate. What is your name, where were you born, and where have you lived for the last seven years? Where do you now live, and how long have you lived in that place? To what prince or state, or to whom are you, or have you ever been a subject? Are you a married man, and, if married, where do your wife and family reside?

Second interrogate. Were you present at the time of taking and seizing the ship, or her lading, or any of the goods or merchandises concerning which you are now examined? Had the ship concerning which you are now examined any commission, what and from whom?

Third interrogate. In what place, latitude, or port, and when, was the said ship and goods, concerning which you are now examined, taken and seized? Upon what pretense and for what reasons were they seized? Into what port were they carried, and under what colors did the said ship sail? What other colors had you on board, and for what reason had you such other colors? Was any resistance made at the time when the said ship was taken; and if yea, how many guns were fired, and by whom, and by what ship or ships were you taken? Was the ship or vessel by which you were captured a ship of war, or a vessel acting without any commission, as you believe? Were any other and what ships in sight at the time of the capture?

Fourth interrogate. What is the name of the master or commander of the ship or vessel taken? How long have you known the said master, and who appointed him to the command of said vessel? Where did said master take possession of her, and at what time, and what was the name of the person who delivered the possession to the said master? Where doth he live? Where is the said master's fixed place of abode, and where doth he generally reside? How long has he lived there, where was he born, and of whom is he now a subject? Is he married? If yea, where does his wife and family reside?

Fifth interrogate. Of what burden is the vessel which has been taken? What was the number of her mariners, and of what country were the said seamen and mariners? Did they all come on board at the same port, or at different ports, and who shipped or hired them, and when and where?

Sixth interrogate. Had you or any of the officers and mariners belonging to the ship or vessel, concerning which you are now examined, any and what part, share, or interest, in the said vessel or her lading? If yea, set forth who, and what goods or interest

you or they have? Did you belong to the said vessel at the time she was seized and taken? In what capacity did you belong to her? How long have you known her? When and where did you first see her, and where was she built?

Seventh interrogate. What is the name of the vessel? How long has she been so called? Do you know of any other name or names, and what are they, by which she has heretofore been called? Had she any passport or sea chart on board, and from whom? To what ports and places did she sail during her said voyage before she was taken? Where did her last voyage begin, and where was the said voyage to have ended? From what port and at what time, particularly from the last clearing port, did the said ship sail previously to the capture? Set forth all the ports to which she has sailed, and at which she has touched and traded, during her whole voyage out and home?

Eighth interrogate. What lading did the said vessel carry at the time of her first setting sail on her last voyage, and what sort of lading and goods had she on board at the time when she was taken? When was the same put on board? Set forth the different species of lading, and the quantity of each sort. Has any part of the cargo of said vessel been unladen since the commencement of her original voyage? If so, at what ports or places was it unladen? State the articles which were unladen.

Ninth interrogate. Who were the owners of the vessel at the time when she was seized? How do you know that they were owners at that time? Of what nation or country are such owners by birth? Where do they reside, and where do their wives and families reside? How long have they resided there? Where did they reside before, to the best of your knowledge? To whom are they subject? How long have the present owners been in possession, and of whom did they purchase?

Tenth interrogate. Was any bill of sale made, and by whom, to the aforesaid owners of said vessel; and if any such were made, in what month and year, and where, and in the presence of what witnesses? Was any and what engagement entered into concerning the purchase, further than appears on the bill of sale? If yea, was it verbal or in writing? Where did you last see it, and what has become of it?

Eleventh interrogate. Was the said lading put on board in one port and at one time, or at several ports and at several times, and at what ports by name? Set forth what quantities of each sort of goods were shipped at each port.

Twelfth interrogate. What are the names of the respective laders, or owners, or consignees of said goods? What countrymen are they? Where do they now live and carry on their business? How long have they resided there? Where did they reside before, to the best of your knowledge? And where were the said goods to be delivered, and for whose real account, risk, or benefit? Have any of said consignees or shippers any and what interest in the said goods? If yea, whereon do you found your belief that they have such interest? Do you verily believe that at the time of the lading of the cargo, and at the present time, and also if said goods shall be restored and unladen at the destined port, the goods did, do, and will belong to the same persons, and to none others?

Thirteenth interrogate. How many bills of lading were signed for the goods seized on board the said ship? Were any of those bills of lading false or colorable, or were any bills of lading signed which were different in any respect from those which were on board the ship at the time she was taken? What were the contents of such other bills of lading, and what became of them?

Fourteenth interrogate. Are there in the United States of America any bills of lading, invoices, letters, or instruments relative to the ship and goods concerning which you are examined? If yea, set forth where they are, and in whose possession, and what is the purport thereof, and when they were brought or sent to the United States.

Fifteenth interrogate. Was there any charter-party signed for the voyage in which the ship, concerning which you are now examined, was seized and taken? What became thereof? When, where, and between whom was such charter-party made? What were the contents of it?

Sixteenth interrogate. What papers, bills of lading, letters, or other writings were on board the ship at the time she took her departure from the last clearing port before her being taken as prize? Were any of them burned, torn, thrown overboard, destroyed, or canceled, or attempted to be concealed, and when, and by whom, and who was then present?

Seventeenth interrogate. Has the ship, concerning which you are now examined, been at any time, and when, seized as prize and condemned as such? If yea, set forth into what port she was carried, and by whom, and by what authority, or on what account she was condemned?

Eighteenth interrogate. Have you sustained any loss by the seizing and taking the ship, concerning which you are now examined? If yea, in what manner do you compute such your loss? Have you already received any indemnity, satisfaction, or promise of satisfaction, for any part of the damage which you have sustained, or may sustain, by this capture or detention, and when, and for whom?

Nineteenth interrogate. Is the said ship, or goods, or any and what part, insured? If

yea, for what voyage is such insurance made, and at what premium, and when and by what persons, and in what country, was such insurance made?

Twentieth interrogate. In case you had arrived at your destined port, would your cargo, or any part thereof, on being unladen, have immediately become the property of the consignees, or any other person, and whom? Or was the latter to take the chance of the market for the sale of his goods?

Twenty-first interrogate. Of the growth, produce, and manufacture of what country and place was the lading of the ship or vessel, concerning which you are now examined, or any part thereof?

Twenty-second interrogate. Was all the said cargo, or any, and what part thereof, taken from the shore or quay, or removed or transshipped from one boat, bark, vessel, or ship to another? From what, and to what shore, quay, boat, bark, vessel, or ship, and when and where, was the same so done?

Twenty-third interrogate. Are there in any other country, and where, and on board any and what ship or ships, vessel or vessels, other than the ship and vessel concerning which you are examined, any bills of lading, invoices, letters, instruments, papers, or documents, relative to the said ship or vessel, and cargo, and of what nature are such bills of lading, invoices, letters, instruments, papers, or documents, and what are the contents? In whose possession are they, and do they differ from any of the papers on board, and in what particular do they differ?

Twenty-fourth interrogate. Were any papers delivered out of the said ship or vessel and carried away in any manner whatsoever? And when, and by whom, and to whom, and in whose custody, possession, or power, do you believe the same now are?

Twenty-fifth interrogate. Was bulk broken during the voyage in which you were taken, or since the capture of the said ship? And when, and where, by whom, and by whose orders, and for what purpose, and in what manner?

Twenty-sixth interrogate. Were any passengers on board the aforesaid ship? Were any of them secreted at the time of the capture? Who were the passengers by name? Of what nation, rank, profession, or occupation? Had they any commission? For what purpose, and from whom? From what place were they taken on board and when? To what place were they finally destined, and upon what business? Had any, and which, of the passengers any, and what property, or concern, or authority, directly or indirectly, regarding the ship and cargo? Were there any officers, soldiers, or mariners secreted on board, and for what reason were they secreted? Were any of the citizens of the United States on board, or secreted, or confined at the time of the capture? How long, and why?

Twenty-seventh interrogate. Were, and are, all the passports, sea-briefs, charter-parties, bills of sale, invoices, and papers, which were found on board, entirely true and fair? Or are any of them false or colorable? Do you know of any matter or circumstances to affect their credit? By whom were the passports or sea-briefs obtained, and from whom? Were they obtained for this ship only, and upon the oath or affirmation of the persons therein described, or were they delivered to, or on behalf of, the person or persons who appear to have been sworn, or to have affirmed thereto, without their having ever, in fact, made any such oath or affirmation? How long time were they to last? Was any duty or fee payable and paid for the same? And is there any duty or fee to be paid on the removal thereof? Have such passports been renewed, and how often? And has the duty or fee been paid for such renewal? Was the ship in a port in the country where the passports and sea-briefs were granted? And if not, where was the ship at the time? Had any person on board any let-pass, or letters of safe conduct? If yea, from whom and for what business? Had the ship any license or passport from any foreign power or authority during the voyage? If so, state from whom obtained, and for what purpose or use.

Twenty-eighth interrogate. Have you written or signed any letters or papers concerning the ship and her cargo, other than those found on board and delivered to the captors? If yea, what was their purport, to whom were they written and sent, and what is become of them?

Twenty-ninth interrogate. Toward what port or place was the ship steering her course at the time of her being first pursued and taken? Was her course altered upon the appearance of the vessel by which she was taken? Was her course at all times, when the weather would permit, directed to the place or port for which she appears to have been destined by the ship's papers? Was the ship, before or at the time of her capture, sailing beyond or wide of the said place or port to which she was so destined by the said ship's papers? At what distance was she therefrom? Was her course altered at any, and what time, and to what other port or place, and for what reason?

Thirtieth interrogate. By whom, and to whom, hath the said ship been sold or transferred, and how often? At what time and at what place, and for what sum or consideration? Hath such sum or consideration been paid or satisfied? Was the sum paid, or to be paid, a fair and true equivalent? Or what security or securities have been given for the payment of the same, and by whom, and where do they live now? Do you know or believe in your conscience such sale or transfer has been truly made, and

not for the purpose of covering or concealing the real property? Do you verily believe that if the ship should be restored, she will belong to the persons now asserted to be the owners, and to none others?

Thirty-first interrogate. What guns were mounted on board the ship, and what arms and ammunition were belonging to her? Why was she so armed? Were there on board any other, and what arms and ammunition, and when and where were they put on board? And by whom, or by what authority, or for what purpose or destination, and on whose account were they put on board?

Thirty-second interrogate. What is the whole which you know or believe, according to the best of your knowledge or belief, regarding the real and true property and destination of the ship and cargo, concerning which you are now examined, at the time of the capture?

You shall true answers make to all such questions as shall be asked of you on these interrogatories; and therein you shall speak the truth, the whole truth, and nothing but the truth: so help you God.

TITLE VI.—BANKRUPTCY.

CHAPTER I.—BANKRUPTCY.

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35. Preferences and fraudulent conveyances declared void.

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48. Meaning of terms and computation of time.
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1. The several district courts of the United States be, and they hereby are, constituted courts of bankruptcy, and they shall have original jurisdiction in their respective districts in all matters and proceedings in bankruptcy, and they are hereby authorized to hear and adjudicate upon the same according to the provisions of this act. The said courts shall be always open for the transaction of business under this act, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time, and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court. And the jurisdiction hereby conferred shall extend to all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to the collection of all the assets of the bankrupt; to the ascertainment and liquidation of the liens and other specific claims thereon; to the adjustment of the various priorities and conflicting interests of all parties; and to the marshalling and disposition of the different funds and assets, so as to secure the rights of all parties and due distribution of the assets among all the creditors; and to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt and the close of the proceedings in bankruptcy. The said courts shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity. Said courts may sit, for the transaction of business in bankruptcy, at any place in the district of which place and the time of holding court they shall have given notice, as well as at the places designated by law for holding such courts.

2. The several circuit courts of the United States, within and for the districts where the proceedings in bankruptcy shall be pending, shall have a general superintendence and jurisdiction of all cases and questions arising under this act; and, except when special provision is otherwise made, may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case in a court of equity. The powers and jurisdiction hereby granted may be exercised either by said court or by any justice thereof in term time or vacation. Said circuit courts shall also have concurrent jurisdiction with the district courts of the same district of all suits at law or in equity which may or shall be brought by the assignee in bankruptcy against any person claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to or vested in such assignee; but no suit at law or in equity shall in any case be maintainable by or against such assignee, or by or against any person claiming an adverse interest, touching the property and rights of property aforesaid, in any court whatsoever, unless the same shall be brought within two years from the time the cause of action accrued for or against such assignee: *Provided*, That nothing herein contained shall revive a right of action barred at the time such assignee is appointed.

3. It shall be the duty of the judges of the district courts of the United States, within and for the several districts, to appoint in each congressional district in said districts, upon the nomination and recommendation of the Chief Justice of the Supreme Court of the United States, one or more registers in bankruptcy, to assist the judge of the district court in the performance of his duties under this act. No person shall be eligible to such appointment, unless he be a counselor of said court, or of some one of the courts of record of the State in which he resides. Before entering upon the duties of his office every person so appointed a register in bankruptcy shall give a bond to the United States, with condition that he will faithfully discharge the duties of his office, in a sum not less than one thousand dollars, to be fixed by said court, with sureties satisfactory to said court, or to either of said justices thereof; and he shall, in open court, take and subscribe the oath prescribed in the act entitled "An act to prescribe an oath of office, and for other purposes," approved July second, eighteen hundred and sixty-two, and also that he will not, during his continuance in office, be, directly or indirectly, interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy, in either the district or circuit court in his district.

4. Every register in bankruptcy, so appointed and qualified, shall have power, and it shall be his duty, to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to administer oaths in all proceedings before him, to hold and preside at meetings of creditors, to take proof of debts, to make all computations of dividends and all orders of distribution, and to furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case, to audit and pass accounts of assignees, to grant protection, to pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose, and to sit in chambers and dispatch there such part of the administrative business of the court, and such uncontested matters, as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct; and he shall also make short memoranda of his proceedings in each case in which he shall act. in a docket to be kept by him for that purpose, and he shall forthwith.

respondents in the cross-libel shall give security, in the usual amount and form, to respond in damages, as claimed in said cross-libel, unless the court, on cause shown, shall otherwise direct; and all proceedings upon the original libel shall be stayed until such security shall be given.

54. When any ship or vessel shall be libeled, or the owner or owners thereof shall be sued for any embezzlement, loss, or destruction by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise, shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture done, occasioned, or incurred without the privity or knowledge of such owner or owners, and he or they shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the said act above recited, the said owner or owners shall and may file a libel or petition in the proper district court of the United States, as hereinafter specified, setting forth the facts and circumstances on which such limitation of liability is claimed, and praying proper relief in that behalf; and thereupon said court, having caused due appraisement to be had of the amount or value of the interest of said owner or owners, respectively, in such ship or vessel, and her freight for the voyage, shall make an order for the payment of the same into court, or for the giving of a stipulation with sureties for payment thereof into court, whenever the same shall be ordered; or, if the said owner or owners shall so elect, the said court shall, without such appraisement, make an order for the transfer by him or them or his or their interest in such vessel and freight, to a trustee to be appointed by the court under the fourth section of said act; and upon compliance with such order, the said court shall issue a monition against all persons claiming damages for any such embezzlement, loss, destruction, damage, or injury, citing them to appear before the said court and make due proof of their respective claims at or before a certain time to be named in said writ, not less than three months from the issuing of the same; and public notice of such monition shall be given as in other cases, and such further notice served through the post-office, or otherwise, as the court, in its discretion, may direct; and the said court shall also, on the application of the said owner or owners, make an order to restrain the further prosecution of all and any suit or suits against said owner or owners in respect of any such claim or claims.

55. Proof of all claims which shall be presented in pursuance of said monition, shall be made before a commissioner to be designated by the court, subject to the right of any person interested to question or controvert the same; and, upon the completion of said proofs, the commissioner shall make report of the claims so proven, and upon confirmation of said report, after hearing any exceptions thereto, the moneys paid or secured to be paid into court as aforesaid, or the proceeds of said ship or vessel and freight, (after payment of costs and expenses,) shall be divided pro rata among the several claimants in proportion to the amount of their respective claims, duly proved and confirmed as aforesaid, saving, however, to all parties any priority to which they may be legally entitled.

56. In the proceedings aforesaid, the said owner or owners shall be at liberty to contest his or their liability, or the liability of said ship or vessel, for said embezzlement, loss, destruction, damage, or injury, (independently of the limitation of liability claimed under said act,) provided that in his or their libel or petition, he or they shall state the facts and circumstances by reason of which exemption from liability is claimed; and any person or persons claiming damages as aforesaid, and

tions in a special case for the opinion of the court, and the judgment of the court shall be final, unless it be agreed and stated in such special case that either party may appeal, if in such case an appeal is allowed by this act. The parties may also, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

7. Parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in cases of default in attendance under any writ of subpœna, and all persons wilfully and corruptly swearing or affirming falsely before a register shall be liable to all the penalties, punishments, and consequences of perjury. If any person examined before a register shall refuse or decline to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination, and such person shall also be liable to be punished for contempt.

OF APPEALS AND PRACTICE.

8. Appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed to said circuit courts from said district courts in cases at law under the jurisdiction created by this act, when the debt or damages claimed amount to more than five hundred dollars, and any supposed creditor, whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the allowance of a claim, may appeal from the decision of the district court to the circuit court from the same district; but no appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the asssignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from. The appeal shall be entered at the term of the circuit court which shall be first held within and for the district next after the expiration of ten days from the time of claiming the same. But if the appellant in writing waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken; and no appeal shall be allowed unless the appellant at the time of claiming the same shall give bond in manner now required by law in cases of such appeals. No writ of error shall be allowed, unless the party claiming it shall comply with the statutes regulating the granting of such writs.

9. In cases arising under this act no appeal or writ of error shall be allowed in any case from the circuit courts to the Supreme Court of the United States, unless the matter in dispute in such case shall exceed two thousand dollars.

10. The justices of the Supreme Court of the United States, subject to the provisions of this act, shall frame general orders for the following purposes:

For regulating the practice and procedure of the district courts in

bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in said courts in all matters under this act;

For regulating the duties of the various officers of said courts;

For regulating the fees payable and the charges and costs to be allowed, except such as are established by this act or by law, with respect to all proceedings in bankruptcy before said courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings;

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And generally for carrying the provisions of this act into effect.

After such general orders shall have been so framed, they or any of them may be rescinded or varied, and other general orders may be framed in manner aforesaid; and all such general orders so framed shall from time to time be reported to Congress, with such suggestions as said justices may think proper.

VOLUNTARY BANKRUPTCY—COMMENCEMENT OF PROCEEDINGS.

11. If any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of three hundred dollars, shall apply by petition, addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefit of this act, and shall annex to his petition a schedule, verified by oath before the court or before a register in bankruptcy, or before one of the commissioners of the circuit court of the United States, containing a full and true statement of all his debts, and, as far as possible, to whom due, with the place of residence of each creditor, if known to the debtor, and if not known the fact to be so stated, and the sum due to each creditor; also, the nature of each debt or demand, whether founded on written security, obligation, contract, or otherwise, and also the true cause and consideration of such indebtedness in each case, and the place where such indebtedness accrued, and a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same; and shall also annex to his petition an accurate inventory, verified in like manner, of all his estate, both real and personal, assignable under this act, describing the same and stating where it is situated, and whether there are any, and, if so, what incumbrances thereon, the filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt: *Provided*, That all citizens of the United States petitioning to be declared bankrupt shall, on filing such petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath shall be filed and recorded with the proceedings in bankruptcy. And the judge of the district court, or, if there be no opposing party, any register of said court, to be designated by the judge, shall forthwith, if he be satisfied that the debts due from the petitioner exceed three hundred dollars, issue a warrant, to be signed by such judge or register, directed to the marshal of said district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the

tions in a special case for the opinion of the court, and the judgment of the court shall be final, unless it be agreed and stated in such special case that either party may appeal, if in such case an appeal is allowed by this act. The parties may also, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

7. Parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in cases of default in attendance under any writ of subpœna, and all persons wilfully and corruptly swearing or affirming falsely before a register shall be liable to all the penalties, punishments, and consequences of perjury. If any person examined before a register shall refuse or decline to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination, and such person shall also be liable to be punished for contempt.

OF APPEALS AND PRACTICE.

8. Appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed to said circuit courts from said district courts in cases at law under the jurisdiction created by this act, when the debt or damages claimed amount to more than five hundred dollars, and any supposed creditor, whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the allowance of a claim, may appeal from the decision of the district court to the circuit court from the same district; but no appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the asssignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from. The appeal shall be entered at the term of the circuit court which shall be first held within and for the district next after the expiration of ten days from the time of claiming the same. But if the appellant in writing waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken; and no appeal shall be allowed unless the appellant at the time of claiming the same shall give bond in manner now required by law in cases of such appeals. No writ of error shall be allowed, unless the party claiming it shall comply with the statutes regulating the granting of such writs.

9. In cases arising under this act no appeal or writ of error shall be allowed in any case from the circuit courts to the Supreme Court of the United States, unless the matter in dispute in such case shall exceed two thousand dollars.

10. The justices of the Supreme Court of the United States, subject to the provisions of this act, shall frame general orders for the following purposes:

For regulating the practice and procedure of the district courts in

bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in said courts in all matters under this act;

For regulating the duties of the various officers of said courts;

For regulating the fees payable and the charges and costs to be allowed, except such as are established by this act or by law, with respect to all proceedings in bankruptcy before said courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings;

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And generally for carrying the provisions of this act into effect.

After such general orders shall have been so framed, they or any of them may be rescinded or varied, and other general orders may be framed in manner aforesaid; and all such general orders so framed shall from time to time be reported to Congress, with such suggestions as said justices may think proper.

VOLUNTARY BANKRUPTCY—COMMENCEMENT OF PROCEEDINGS.

11. If any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of three hundred dollars, shall apply by petition, addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefit of this act, and shall annex to his petition a schedule, verified by oath before the court or before a register in bankruptcy, or before one of the commissioners of the circuit court of the United States, containing a full and true statement of all his debts, and, as far as possible, to whom due, with the place of residence of each creditor, if known to the debtor, and if not known the fact to be so stated, and the sum due to each creditor; also, the nature of each debt or demand, whether founded on written security, obligation, contract, or otherwise, and also the true cause and consideration of such indebtedness in each case, and the place where such indebtedness accrued, and a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same; and shall also annex to his petition an accurate inventory, verified in like manner, of all his estate, both real and personal, assignable under this act, describing the same and stating where it is situated, and whether there are any, and, if so, what incumbrances thereon, the filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt: *Provided*, That all citizens of the United States petitioning to be declared bankrupt shall, on filing such petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath shall be filed and recorded with the proceedings in bankruptcy. And the judge of the district court, or, if there be no opposing party, any register of said court, to be designated by the judge, shall forthwith, if he be satisfied that the debts due from the petitioner exceed three hundred dollars, issue a warrant, to be signed by such judge or register, directed to the marshal of said district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the

who shall have presented his or their claim to the commissioner under oath, shall and may answer such libel or petition, and contest the right of the owner or owners of said ship or vessel, either to an exemption from liability, or to a limitation of liability under the said act of Congress, or both.

57. The said libel or petition shall be filed and the said proceedings had in any district court of the United States in which said ship or vessel may be libeled to answer for any such embezzlement, loss, destruction, damage, or injury; or, if the said ship or vessel be not libeled, then in the district court for any district in which the said owner or owners may be sued in that behalf. If the ship have already been libeled and sold, the proceeds shall represent the same for the purposes of these rules.

PROCEEDINGS IN PRIZE-CASES.

58. The subject of prize not being provided for in the foregoing rules. the court adopts the following, chiefly drawn from acts of Congress, of 1862, c. 50, and 1863, c. 86.

59. Whenever any property captured as prize shall be brought into any district of the United States for adjudication, it shall be the duty of the prize-commissioners of said district—

To receive, seal, and safely keep the same until process shall be issued out of the court under which the same shall be placed in the custody of the marshal of the district.

To examine into the condition of the said property at the time of taking such possession, and from time to time pending the adjudication.

To report to the court, upon such examination, whether the same or any part thereof be perishing or perishable, or deteriorating in value.

To receive from the prize-master all the papers and documents found on board.

To proceed forthwith to take the testimony of the witnesses prescribed by law, *i. e.*, the principal officers and some of the crew of the captured vessel, separately from each other, and unattended by counsel, pursuant to the rules and under the interrogatories adopted by the court.

To seal with their seals, securely, the said papers, documents, and testimony, and as soon as possible deposit the same in the registry of the court.

60. Thereafter, promptly, and without any unnecessary delay, the court shall proceed to hearing and adjudication.

61. Whenever two or more things belonging to the same person or persons are or shall be seized for an alleged violation of the revenue laws, the whole shall be included in one suit; and if not so incl
and separate actions are prosecuted, the court may consolid

62. The court shall order a sale of prize property in
cases:

Whenever it shall be condemned.

Whenever, at any stage of the proceedings, it
court to be perishing, perishable, or liable to d

Whenever the cost of keeping it shall be dis

Whenever all the parties in interest, who
shall agree to a sale.

63. All sales of prize property shall be r
the orders of the court.

64. Upon any such sale the marshal shal
proceeds thereof with the assistant treasure
the place of sale.

65. Said deposits shall be made subject to the order of the court in the particular case, whether the order of sale so direct or not.

66. And the court may at any time order the payment from such deposit—

Of the expenses and disbursements necessarily incurred in the custody, preservation, and sale of the property, the same being first audited and allowed by the court in the manner provided by law.

Charges for pilotage, towage, wharfage, storage, insurance, and other expenses incident to the bringing in, and safe custody, and sale of the property captured as prize, shall be paid out of the proceeds of any sale, interlocutory or final, of the property in the custody of the court.

67. In case of a decree of restitution, upon payment of costs, when no sale has been made, such charges and expenses shall constitute part of the costs to be paid by the claimant.

68. In case of a decree of condemnation or restitution, upon payment of costs, a just and suitable compensation, to be adjusted and determined by the court, upon due consideration of their several and respective services in each prize case or proceeding, shall be paid out of the proceeds of the prize property in custody of the court, or in whole or in part by the claimant, as the court shall direct—

To the prize-commissioners, to the district attorney, and to the counsel for the captors.

The compensation to the counsel of the captors, however, [illegible] fined to compensation for such services as may be rendered [illegible] by reason of the captors having interests conflicting with those [illegible] United States, and proper, in the opinion of the court, to be [illegible] by separate counsel from those representing the United States.

69. When a decree of condemnation shall be made in [illegible] court may order payment from the said deposit of the [illegible] charges decreed in the cause.

70. In case the final decree shall be for restitution, [illegible] costs, fees, and disbursements allowed by the court, [illegible] a charge upon the fund for defraying the expenses [illegible] United States is a party or interested.

71. After the payment of costs, fees, and expenses [illegible] deposit shall, by order of the court, be paid [illegible] United States, for distribution according to [illegible]

72. Whereupon the prize-commissioners [illegible] rection of the court, to take the requisite [illegible] to the court, to the end that a final decree [illegible] what public ships of the United States [illegible] whether the prize [illegible] superior, [illegible] or vessels making [illegible] ure.

73. And the [illegible] court [illegible] tary of the Treasury [illegible] be [illegible]

[illegible] ng, on t is the ime ere on her or ien een nto unt ship, ate such ise of sat- ain, by this

decree of the court in the premises, may be punished as for a contempt of court.

OF DEBTS AND PROOF OF CLAIMS.

19. All debts due and payable from the bankrupt at the time of the adjudication of bankruptcy, and all debts then existing but not payable until a future day, a rebate of interest being made when no interest is payable by the terms of contract, may be proved against the estate of the bankrupt. All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. If the bankrupt shall be bound as drawer, indorser, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may at any time apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall order, and he shall be allowed to prove for the amount so ascertained. Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt or to stand in the place of the creditor if he shall have proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced. And any person so liable for the bankrupt, and who has not paid the whole of said debt, but is still liable for the same or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the rules, and subject to such regulations and limitations as may be established by such rules. Where the bankrupt is liable to pay rent or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods. If any bankrupt shall be liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withheld, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate. No debts other than those above specified shall be proved or allowed against the estate.

20. In all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid, but no set-off shall be allowed of a claim in its nature not provable against the estate: *Provided*, That no set-off shall be allowed, in favor of any debtor to the bankrupt, of a claim purchased by or transferred to him after the filing of the petition. When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon, for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt, after

deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the court shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up, the creditor shall not be allowed to prove any part of his debt.

31. No creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action and suit against the bankrupt, and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby; and no creditor whose debt is provable under this act shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt, until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court in bankruptcy on the question of the discharge: *Provided*, There be no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge: *And provided, also*, That if the amount due the creditor is in dispute, the suit, by leave of the court in bankruptcy, may proceed to judgment, for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed, as aforesaid. If any bankrupt shall, at the time of adjudication, be liable upon any bill of exchange, promissory note, or other obligation, in respect of distinct contracts, as a member of two or more firms, carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader, and also as a member of a firm, the circumstance that such firms are, in whole or in part, composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

22. All proofs of debts against the estate of the bankrupt, by or in behalf of creditors residing within the judicial district where the proceedings in bankruptcy are pending, shall be made before one of the registers of the court in said district and by or in behalf of non-resident creditors, before any register in bankruptcy in the judicial district where such creditors or either of them reside, or before any commissioner of the circuit court authorized to administer oaths in any district. To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a disposition in writing, on oath or solemn affirmation, before the proper register or commissioner, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; that the sum claimed is justly due from the bankrupt to the claimant; that the claimant has not, nor has any other person for his use, received any security or satisfaction whatever other than that by him set forth; that the claim was not procured for the purpose of influencing the proceedings under this act, and that no bargain or agreement, express or implied, has been made or entered into, by or on

behalf of such creditor, to sell, transfer, or dispose of the said claim or any part thereof, against such bankrupt, to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor, or any other person in the proceedings under this act, is or shall be in any way affected, influenced, or controlled, and no claim shall be allowed unless all the statements set forth in such deposition shall appear to be true. Such oath or solemn affirmation shall be made by the claimant, testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which case the demand may be verified in like manner by the attorney or authorized agent of the claimant, testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge; or, if in a foreign country, the oath of the creditor may be taken before any minister, consul, or vice-consul of the United States; and the court may, if it shall see fit, require or receive further pertinent evidence either for or against the admission of the claim. Corporations may verify their claims by the oath or solemn affirmation of their president, cashier, or treasurer. If the proof is satisfactory to the register or commissioner, it shall be signed by the deponent, and delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register, in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof, and the amount and nature of the debts, which books shall be open to the inspection of all the creditors. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of claims, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

23. When a claim is presented for proof before the election of the assignee, and the judge entertains doubts of its validity or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen. Any person who, after the approval of this act, shall have accepted any preference, having reasonable cause to believe that the same was made or given by the debtor, contrary to any provisions of this act, shall not prove the debt or claim on account of which the preference was made or given, nor shall he receive any dividend therefrom until he shall first have surrendered to the assignee all property, money, benefit, or advantage received by him under such preference. The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the registers; and any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

24. A supposed creditor, who takes an appeal to the circuit court from the decision of the district court, rejecting his claim, in whole or in part, shall, upon entering his appeal in the circuit court, file in the clerk's office thereof a statement in writing of his claim, setting forth the same, substantially as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceedings shall thereupon be had in the pleadings, trial, and determination of the cause, as in action at law commenced and prosecuted, in the

usual manner, in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor. The final judgment of the court shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee, they shall be allowed out of the estate. A bill of exchange, promissory note, or other instrument, used in evidence upon the proof of a claim, and left in court or deposited in the clerk's office, may be delivered, by the register or clerk having the custody thereof, to the person who used it, upon his filing a copy thereof, attested by the clerk of the court, who shall indorse upon it the name of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

OF PROPERTY PERISHABLE AND IN DISPUTE.

25. When it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of; and whenever it appears to the satisfaction of the court that the title to any portion of an estate, real or personal, which has come into possession of the assignee, or which is claimed by him, is in dispute, the court may, upon the petition of the assignee, and after such notice to the claimant, his agent or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any courts. But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action, commenced at any time before the court orders the sale.

EXAMINATION OF BANKRUPTS.

26. The court may, on the application of the assignee in bankruptcy, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath, upon all matters relating to the disposal or condition of his property, to his trade and dealings with others, and his accounts concerning the same, to all debts due to or claimed from him, and to all other matters concerning his property and estate, and the due settlement thereof according to law, which examination shall be in writing, and shall be signed by the bankrupt and filed with the other proceedings; and the court may, in like manner, require the attendance of any other person as a witness, and if such person shall fail to attend, on being summoned thereto, the court may compel his attendance by warrant directed to the marshal, commanding him to arrest such person and bring him forthwith before the court, or before a register in bankruptcy, for examination as such witness. If the bankrupt is imprisoned, absent, or disabled from attendance, the court may order him to be produced by the jailer, or any officer in whose custody he may be, or may direct the examination to be had, taken, and certified at such time and place, and in such manner,

as the court may deem proper, and with like effect as if such examination had been had in court. The bankrupt shall at all times, until his discharge, be subject to the order of the court, and shall, at the expense of the estate, execute all proper writings and instruments, and do and perform all acts required by the court touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned, wherever situated; and for neglect or refusal to obey any order of the court, such bankrupt may be committed and punished as for a contempt of court. If the bankrupt is without the District, and unable to return and personally attend at any of the times, or do any of the acts which may be specified or required pursuant to this section, and if it appears that such absence was not caused by willful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the court in all respects, he shall be permitted so to do, with like effect as if he had not been in default. He shall also be at liberty, from time to time, upon oath, to amend and correct his schedule of creditors and property, so that the same shall conform to the facts. For good cause shown, the wife of any bankrupt may be required to attend before the court, to the end that she may be examined as a witness; and if such wife do not attend at the time and place specified in the order, the bankrupt shall not be entitled to discharge unless he shall prove to the satisfaction of the court that he was unable to procure the attendance of his wife. No bankrupt shall be liable to arrest during the pendency of the proceedings in bankruptcy in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

OF THE DISTRIBUTION OF THE BANKRUPT'S ESTATE.

27. All creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate pro rata, without any priority or preference whatever, except that wages due from him to any operative, or clerk, or house-servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the adjudication of bankruptcy, shall be entitled to priority, and shall be first paid in full: *Provided*, That any debt proved by any person liable, as bail, surety, guarantor, or otherwise, for the bankrupt, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court or otherwise held for the benefit of the party entitled thereto, as the court may direct. At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the court may direct, the court, upon request of the assignee, shall call a general meeting of the creditors, of which due notice shall be given, and the assignee shall then report and exhibit to the court and to the creditors just and true accounts of all his receipts and payments, verified by his oath, and he shall also produce and file vouchers for all payments for which vouchers shall be required by any rule of the court; he shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, also what debts or claims are yet undetermined, and stating what sum remains in his hands. At such meeting the majority in value of the creditors

present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, and for other expenses and contingencies, shall be divided among the creditors; but unless at least one-half in value of the creditors shall attend such meeting, either in person or by attorney, it shall be the duty of the assignee so to determine. In case a dividend is ordered, the register shall, within ten days after such meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward by mail to every creditor a statement of the dividend to which he is entitled, and such creditor shall be paid by the assignee in such manner as the court may direct.

28. The like proceedings shall be had at the expiration of the next three months, or earlier, if practicable, and a third meeting of creditors shall then be called by the court, and a final dividend then declared, unless any action at law or suit in equity be pending, or unless some other estate or effects of the debtor afterward come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate or effects into money, and within two months after the same shall be so converted, the same shall be divided in manner aforesaid. Further dividends shall be made in like manner, as often as occasion requires; and after the third meeting of creditors no further meeting shall be called, unless ordered by the court. If at any time there shall be in the hands of the assignee any outstanding debts or other property, due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, the assignee may, under the direction of the court, sell and assign such debts or other property, in such manner as the court shall order. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors, before any further payment is made to the latter. Preparatory to the final dividend, the assignee shall submit his account to the court and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the court shall audit and pass the accounts of the assignee, and such assignee shall, if required by the court, be examined as to the truth of such account, and if found correct he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt. The court shall thereupon order a dividend of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their said debts. In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case, on all moneys received and paid out by him therein, for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum on the excess over five thousand dollars; and if, at any time, there shall not be in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be

obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him. If by accident, mistake, or other cause, without fault of the assignee, either or both of the said second or third meetings should not be held within the times limited, the court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held. In the order for a dividend under this section, the following claims shall be entitled to priority or preference, and to be first paid in full in the following order:

First. The fees, costs, and expenses of suits, and the several proceedings in bankruptcy under this act, and for the custody of property, as herein provided.

Second. All debts due to the United States, and all taxes and assessments under the laws thereof.

Third. All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws of such State.

Fourth. Wages due to any operative, clerk, or house-servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the first publication of the notice of proceedings in bankruptcy.

Fifth. All debts due to any persons who, by the laws of the United States, are or may be entitled to a priority or preference, in like manner as if this act had not been passed: *Always provided*, That nothing contained in this act shall interfere with the assessment and collection of taxes by the authority of the United States or any State.

OF THE BANKRUPT'S DISCHARGE AND ITS EFFECT.

29. At any time after the expiration of six months from the adjudication of bankrupcty, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and within one year from the adjudication of bankrupcty, the bankrupt may apply to the court for a discharge from his debts, and the court shall thereupon order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the court shall designate, due regard being had to the general circulation of the same in the District, or in that portion of the District in which the bankrupt and his creditors shall reside, to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt. No discharge shall be granted, or, if granted, be valid, if the bankrupt has willfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material fact; or if he has concealed any part of his estate or effects, or any books or writings relating thereto, or if he has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this act, or if he has caused, permitted, or suffered any loss, waste, or destruction thereof; or if, within four months before the commencement of such proceedings, he has procured his lands, goods, money, or chattels to be attached, sequestered, or seized on execution; or if, since the passage of this act, he has destroyed, mutilated, altered, or falsified any of his books, doc-

uments, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors; or has removed, or caused to be removed, any part of his property from the District, with intent to defraud his creditors; or if he has given any fraudulent preference contrary to the provisions of this act, or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted any false or fictitious debt against his estate; or if, having knowledge that any person has proved such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge; or if, being a merchant or tradesman, he has not, subsequently to the passage of this act, kept proper books of account; or if he, or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceedings, by any pecuniary consideration or obligation; or if he has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this act, or has been guilty of any fraud whatever contrary to the true intent of this act; and before any discharge is granted, the bankrupt shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this act as a ground for withholding such discharge, or as invalidating such discharge if granted.

30. No person who shall have been discharged under this act, and shall afterward become a bankrupt, on his own application, shall be again entitled to a discharge, whose estate is insufficient to pay seventy per centum of the debts proved against it, unless the assent, in writing, of three-fourths in value of his creditors, who have proved their claims, is filed at or before the time of application for discharge; but a bankrupt who shall prove to the satisfaction of the court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been a bankrupt.

31. Any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the court may, in its discretion, order any question of fact so presented to be tried at a stated session of the district court.

32. If it shall appear to the court that the bankrupt has in all things conformed to his duty under this act, and that he is entitled, under the provisions thereof, to receive a discharge, the court shall grant him a discharge from all his debts, except as hereinafter provided, and shall give him a certificate thereof, under the seal of the court, in substance as follows:

DISTRICT COURT OF THE UNITED STATES, DISTRICT OF ——.

Whereas —— —— has been duly adjudged a bankrupt, under the act of Congress establishing a uniform system of bankruptcy throughout the United States, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said —— —— be forever discharged from all debts and claims which by said act are made provable against his estate, and which existed on

the ——— day of ———, on which day the petition for adjudication was filed by (or against) him, excepting such debts, if any, as are by said act excepted from the operation of a discharge in bankruptcy.

Given under my hand and the seal of the court at ———, in the said district, this —— day of ———, A. D. ——.

[SEAL.] ——— ———, *Judge.*

33. No debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged under this act; but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this act shall release, discharge, or affect any person liable for the same debt for or with the bankrupt, either as partner, joint contractor, indorser, surety, or otherwise. And in all proceedings in bankruptcy, commenced one year from the time this act shall go into operation, no discharge shall be granted to a debtor whose assets do not pay fifty per centum of the claims against his estate, unless the assent, in writing, of a majority in number and value of his creditors, who have proved their claims, is filed in the case at or before the time of application for discharge.

34. A discharge duly granted under this act shall, with the exceptions aforesaid, release the bankrupt from all debts, claims, liabilities, and demands, which were or might have been proved against his estate in bankruptcy, and may be pleaded by a simple averment, that on the day of its date such discharge was granted to him, setting the same forth in hæc verba, as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be conclusive evidence in favor of such bankrupt of the fact and the regularity of such discharge: *Always provided*, That any creditor or creditors of said bankrupt, whose debt was proved or provable against the estate in bankruptcy, who shall see fit to contest the validity of said discharge on the ground that it was fraudulently obtained, may, at any time within two years after the date thereof, apply to the court which granted it to set aside and annul the same. Said application shall be in writing, shall specify which, in particular, of the several acts mentioned in section twenty-nine it is intended to give evidence of against the bankrupt, setting forth the grounds of avoidance, and no evidence shall be admitted as to any other of the said acts; but said application shall be subject to amendment, at the discretion of the court. The court shall cause reasonable notice of said application to be given to said bankrupt, and order him to appear and answer the same, within such time as to the court shall seem fit and proper. If, upon the hearing of said parties, the court shall find that the fraudulent acts, or any of them, set forth as aforesaid by said creditor or creditors, against the bankrupt, are proved, and that said creditor or creditors had no knowledge of the same until after the granting of said discharge, judgment shall be given in favor of said creditor or creditors, and the discharge of said bankrupt shall be set aside and annulled. But if said court shall find that said fraudulent acts, and all of them, set forth as aforesaid, are not proved, or that they were known to said creditor or creditors before the granting of said discharge, then judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by said proceedings.

PREFERENCES AND FRAUDULENT CONVEYANCES DECLARED VOID.

35. If any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or against him, with a view to give a preference to any creditor or person having a claim

against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this act, the same shall be void, and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited; and if any person being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to prevent the same from being distributed under this act, or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this act, the sale, assignment, transfer, or conveyance shall be void, and the assignee may recover the property, or the value thereof, as assets of the bankrupt. And if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, the fact shall be prima-facie evidence of fraud. Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for, any creditor, for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shall be void; and if any creditor shall obtain any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to such application for discharge, every creditor so offending shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained, to be recovered by the assignee for the benefit of the estate.

BANKRUPTCY OF PARTNERSHIPS AND OF CORPORATIONS.

36. Where two or more persons who are partners in trade shall be adjudged bankrupt, either on the petition of such partners or any one of them, or on the petition of any creditor of the partners, a warrant shall issue in the manner provided by this act, upon which all the joint stock and property of co-partnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are hereinbefore excepted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the company, and shall also keep separate accounts of the joint stock or property of the co-partnership and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there

shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone. If such copartners reside in different districts, that court in which the petition is first filed shall retain exclusive jurisdiction over the case.

37. The provisions of this act shall apply to all moneyed business or commercial corporations and joint stock companies, and that upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators, at any legal meeting called for the purpose, or upon the petition of any creditor or creditors of such corporation or company, made and presented in the manner hereinafter provided in respect to debtors, the like proceedings shall be had and taken as are hereinafter provided in the case of debtors; and all the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporation or company in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this act, when made by a debtor, shall, in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. No allowance or discharge shall be granted to any corporation or joint stock company, or to any person or officer or member thereof: *Provided*, That whenever any corporation, by proceedings under this act, shall be declared bankrupt, all its property and assets shall be distributed to the creditors of such corporations in the manner provided in this act in respect to natural persons.

OF DATES AND DEPOSITIONS.

38. The filing of a petition for adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor, upon which an order may be issued by the court, or by a register, in the manner provided in section four, shall be deemed and taken to be the commencement of proceedings in bankruptcy under this act. The proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection. Copies of such records, duly certified under the seal of the court, shall in all cases by prima-facie evidence of the facts therein stated. Evi-

dence or examination, in any of the proceedings under this act, may be taken before the court, or a register in bankruptcy, viva voce or in writing, before a commissioner of the circuit court, or by affidavit, or on commission, and the court may direct a reference to a register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnessess, the production of books and papers, and the giving of testimony, in the same manner as in suits in equity in the circuit court.

INVOLUNTARY BANKRUPTCY.

39. Any person residing and owing debts, as aforesaid, who, after the passage of this act, shall depart from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors, or, being absent, shall, with such intent, remain absent; or shall conceal himself, to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act; or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process, or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, District, or Territory, within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding one hundred dollars, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of such State, District, or Territory, applicable thereto, for a period of seven days; or has been actually imprisoned for more than seven days in a civil action, founded on contract, for the sum of one hundred dollars or upwards; or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or give any warrant to confess judgment; or procure or suffer his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or has stopped or suspended, and not resumed, payment of his commercial paper within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt, on the petition of one or more of his creditors, the aggregate of whose debts, provable under this act, amount to at least two hundred and fifty dollars: *Provided*, Such petition is brought within six months after the act of bankruptcy shall have been committed. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this act: *Provided*, The person receiving such payment or conveyance had reasonable cause to believe that a fraud on this act was intended, and that the debtor was insolvent, and such creditor shall not be allowed to prove his debt in bankruptcy.

40. Upon the filing of the petition authorized by the next preceding section, if it shall appear that sufficient grounds exist therefor, the court

shall direct the entry of an order requiring the debtor to appear and show cause, at a court of bankruptcy to be holden at a time to be specifiled in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted; and may also, by its the prayer ofestrain the debtor, and any other person in the mean time, from making any transfer or disposition of any part of the debtor's property not excepted by this act from the operation thereof and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to leave the District, or to remove or conceal his goods and chattels or his evidence of property, or make any fraudulent conveyance or disposition thereof, the court may issue a warrant to the marshal of the District, commanding him to arrest the alleged bankrupt, and him safely keep, unless he shall give bail to the satisfaction of the court for his appearance from time to time, as required by the court, until the decision of the court upon the petition or the further order of the court, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the court. A copy of the petition and of such order to show cause shall be served on such debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode; or if such debtor cannot be found, or his place of residence ascertained, service shall be made by publication in such manner as the judge may direct. No further proceedings, unless the debtor appear and consent thereto, shall be had until proof shall have been given, to the satisfaction of the court, of such service or publication; and if such proof be not given on the return day of such order, the proceedings shall be adjourned and an order made that the notice be forthwith so served or published.

41. On such return day or adjourned day, if the notice has been duly served or published, or shall be waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time on good cause shown, and shall, if the debtor on the same day so demand in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of such alleged bankruptcy; and if, upon such hearing or trial, the debtor proves to the satisfaction of the court or of the jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens were the sole ground of the proceeding, the proceedings shall be dismissed, and the respondent shall recover costs.

42. If the facts set forth in the petition are found to be true, or if default be made by the debtor to appear pursuant to the order, upon due proof of service thereof being made, the court shall adjudge the debtor to be a bankrupt, and, as such, subject to the provisions of this act, and shall forthwith issue a warrant to take possession of the estate of the debtor. The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those hereinbefore provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition. The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days, not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form and verified in the manner required of

a petitioning debtor by section eleven. If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner hereinbefore provided for the service of the order to show cause; and if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain. If the petitioning creditor shall not appear and proceed on the return day, or adjourned day, the court may, upon the petition of any other creditor to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

OF SUPERSEDING THE BANKRUPT PROCEEDINGS BY ARRANGEMENT.

43. If at the first meeting of creditors, or at any meeting of creditors to be specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the court may direct, three-fourths in value of the creditors whose claims have been proved shall determine and resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt should be wound up and settled, and distribution made among the creditors by trustees, under the inspection and direction of a committee of the creditors, it shall be lawful for the creditors to certify and report such resolution to the court, and to nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee. If it shall appear to the court, after hearing the bankrupt and such creditors as may desire to be heard, that the resolution was duly passed, and that the interests of the creditors will be promoted thereby, it shall confirm the same; and upon the execution and filing, by or on behalf of three-fourths in value of all the creditors whose claims have been proved, of a consent that the estate of the bankrupt be wound up and settled by said trustees according to the terms of such resolution, the bankrupt, or his assignee in bankruptcy, if appointed, as the case may be, shall, under the direction of the court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the said trustee or trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken, or as the assignee in bankruptcy would have done had such resolution not been passed; and such consent and the proceedings thereunder shall be as binding in all respects on any creditor whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor whose debt, if provable, is not proved, as if he had proved it; and the court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the said trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors, and the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy under this act; and the said trustees shall have all the rights and powers of assignees in bankruptcy. The court, on the application of such trustees, shall have power to summon and examine, on oath or otherwise, the bankrupt and any creditor, and any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of

their trust, and to compel the attendance of such persons and the production of books and papers in the same manner as in other proceedings in bankruptcy under this act; and the bankrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this act. If the resolution shall not be duly reported, or the consent of the creditors shall not be duly filed, or if, upon its filing, the court shall not think fit to approve thereof, the bankruptcy shall proceed as though no resolution had been passed, and the court may make all necessary orders for resuming the proceedings. And the period of time which shall have elapsed between the date of the resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this act.

PENALTIES AGAINST BANKRUPTS.

44. From and after the passage of this act, if any debtor or bankrupt shall, after the commencement of proceedings in bankruptcy, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same or any part thereof out of the District, or otherwise dispose of any part thereof, with intent to prevent it from coming into possession of the assignee in bankruptcy, or to hinder, impede, or delay either of them in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate, with the like intent, or shall spend any part thereof in gaming; or shall, with intent to defraud, willfully and fraudulently conceal from his assignee or omit from his schedule any property or effects whatsoever; or if, in case of any person having, to his knowledge or belief, proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels, with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in bankruptcy, pawn, pledge, or dispose of, otherwise than by bona-fide transactions in the ordinary way of his trade, any of his goods or chattels, which have been obtained on credit and remain unpaid for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States, shall be punished by imprisonment, with or without hard labor, for a term not exceeding three years.

PENALTIES AGAINST OFFICERS.

45. If any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this act, or under color of doing anything thereunder, willfully demand, or take, or appoint, or allow any person whatever to take for him, or on his account, or for or on account of any other person, or in trust for him, or for any other person, any

fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by this act, or which shall be allowed under the authority thereof, such person, when convicted thereof, shall forfeit and pay the sum of not less than three hundred dollars, and not exceeding five hundred dollars, and be imprisoned not exceeding three years.

46. If any person shall forge the signature of a judge, register, or other officer of the court, or shall forge or counterfeit the seal of the courts, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, any such person shall be guilty of felony, and upon conviction thereof shall be liable to a fine of not less than five hundred dollars, and not more than five thousand dollars, and to be imprisoned not exceeding five years, at the discretion of the court.

FEES AND COSTS.

47. In each case there shall be allowed and paid, in addition to the fees of the clerk of the court, as now established by law, or as may be established by general order, under the provisions of this act, for fees in bankruptcy, the following fees, which shall be applied to the payment for the services of the registers:

For issuing every warrant, two dollars.

For each day in which a meeting is held, three dollars.

For each order for a dividend, three dollars.

For every order substituting an arrangement by trust deed for bankruptcy, two dollars.

For every bond with sureties, two dollars.

For every application for any meeting in any matter under this act, one dollar.

For every day's service while actually employed under a special order of the court, a sum not exceeding five dollars, to be allowed by the court.

For taking depositions, the fees now allowed by law.

For every discharge where there is no opposition, two dollars.

Such fees shall have priority of payment over all other claims out of the estate, and, before a warrant issue, the petitioner shall deposit with the court or with the clerk fifty dollars as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued shall pay the same, and the court may issue an execution against him to compel payment to the register.

Before any dividend is ordered, the assignee shall pay out of the estate to the messenger the following fees, and no more:

First. For service of warrant, two dollars.

Second. For all necessary travel, at the rate of five cents a mile each way.

Third. For each written note to creditor named in the schedule, ten cents.

Fourth. For custody of property, publication of notices, and other services, his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred

and paid by him, and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessity of said expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the court, in its discretion, may determine.

The enumeration of the foregoing fees shall not prevent the judges, who shall frame general rules and orders in accordance with the provisions of section ten, from prescribing a tariff of fees for all other services of the officers of courts of bankruptcy, or from reducing the fees prescribed in this section in classes of cases to be named in their rules and orders.

OF MEANING OF TERMS AND COMPUTATION OF TIME.

48. The word "assignee" and the word "creditor" shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies; the word "person" shall also include "corporation;" and the word "oath" shall include "affirmation." And in all cases in which any particular number of days is prescribed by this act, or shall be mentioned in any rule or order of court, or general order which shall at any time be made under this act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first, and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

49. All the jurisdiction, power, and authority conferred upon and vested in the district court of the United States by this act in cases in bankruptcy are hereby conferred upon and vested in the supreme court of the District of Columbia, and in and upon the supreme courts of the several Territories of the United States, when the bankrupt resides in the said District of Columbia or in either of the said Territories. And in those judicial districts, which are not within any organized circuit of the United States, the power and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

50. This act shall commence and take effect as to the appointment of the officers created hereby, and the promulgation of rules and general orders, from and after the date of its approval: *Provided*, That no petition or other proceeding under this act shall be filed, received, or commenced before the first day of June, anno Domini eighteen hundred and sixty-seven.

51. Registers in bankruptcy shall have power to administer oaths in all cases and in relation to all matters in which oaths may be administered by commissioners of the circuit courts of the United States, and such commissioners may take proof of debts in bankruptcy in all cases, subject to the revision of such proofs by the register and by the court according to the provisions of said act.

52. The provisions of the second clause of the thirty-third section of said act, as amended by the first section of an act in amendment thereof, approved July twenty-seven, eighteen hundred and sixty-eight, shall not apply to those debts from which the bankrupt seeks a discharge which were contracted prior to the first day of January, eighteen hundred and sixty-nine.

CHAPTER II.—GENERAL ORDERS IN BANKRUPTCY.

1. Duties of clerks of district court.
2. Process.
3. Appearance.
4. Commencement of proceedings.
5. Register.
6. Dispatch of business.
7. Examination and filing of papers.
8. Order by the register.
9. Notification of assignee.
10. Testimony, how taken.
11. Minutes before register, filing, &c.
12. Accounts for services of register and marshal.
13. Marshal as messenger.
14. Petitions and amendments.
15. Priority of actions in voluntary bankruptcy.
16. Filing petitions in different districts.
17. Concerning redemption of property and compounding claims.
18. Proceedings in case of copartnership.
19. Duties of assignee.
20. Composition with creditors, (arbitration.)
21. Disposal of property by assignee.
22. Perishable property.
23. Service of notice.
24. Opposition to discharge.
25. Second and third meeting of creditors.
26. Appeals.
27. Imprisoned debtors.
28. Deposit and payment of money.
29. Prepayment or security of fees.
30. As to fees and costs.
32. As to forms and schedule.
33. Omissions and amendments.
34. Proof of debts.

In pursuance of the tenth section of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, the justices of the supreme court of the United States have framed the following general orders, which shall constitute the rules of practice and procedure in bankruptcy in the district courts of the United States.

December term, 1871.

The general orders in bankruptcy, heretofore established by this court, are so amended as to read as follows:

1. The clerks of the several district courts shall enter upon each petition in bankruptcy the day, and the hour of the day, upon which the same shall be filed; and shall also make a similar note upon every subsequent paper filed with them, except such papers as have been filed before the register, and so indorsed by him; and the papers in each case shall be kept in a file by themselves. No paper shall be taken from the files for any purpose except by order of the court. Every paper shall have indorsed upon it a brief statement of its character. The clerks shall keep a docket, in which the cases shall be entered and numbered in the order in which they are commenced; and the number of each case shall be indorsed on every paper. The docket shall be so arranged that a brief memorandum of every proceeding in each case shall be entered therein, in a manner convenient for reference, and shall at all times be open for public inspection. The clerks shall also keep separate minute-books for the record of proceedings in bankruptcy, in which shall be entered a minute of all the proceedings in each case, either of the court or of a register of the court, under their respective dates.

2. All process, summons, and subpœnas shall issue out of the court under the seal thereof, and be tested by the clerk; and blanks, with the signature of the clerk and seal of the court, may, upon application, be furnished to the registers.

3. Proceedings in bankruptcy may be conducted by the bankrupt in person in his own behalf, or by a petitioning or opposing creditor; but a creditor will only be allowed to manage before the court his individual interest. Either party may appear and conduct the proceedings by attorney, who shall be an attorney or counselor authorized to practice in the circuit or district court. The name of the attorney or counselor, with his place of residence and business, shall be entered upon the docket, with the date of the entry. All papers or proceedings

offered by an attorney to be filed shall be indorsed as above required: and orders granted on motion shall contain the name of the party or attorney making the motion. Notices and orders which are not, by the act or by these rules, required to be served on the party personally, may be served upon his attorney.

4. Upon the filing of a petition in case of voluntary bankruptcy, or as soon as any adjudication of bankruptcy is made upon a petition filed in case of involuntary bankruptcy, the petition shall be referred to one of the registers in such manner as the district court shall direct, and the petitioner shall furnish the register with a copy of the papers in the case, and thereafter all the proceedings required by the act shall be had before him, except such as are required by the act to be had in the district court, or by special order of the district judge, unless some other register is directed to act in the case. The order designating the register to act upon any petition shall name a day upon which the bankrupt shall attend before the register, from which date he shall be subject to the orders of the court in all matters relating to his bankruptcy, and may receive from the register a protection against arrest, to continue until the final adjudication on his application for a discharge, unless suspended or vacated by order of the court. A copy of the order shall forthwith be sent by mail to the register, or be delivered to him personally, by the clerk or other officer of the court.

5. The time when and the place where the registers shall act upon matters arising under the several cases referred to them, shall be fixed by special order of the district court, or by the register acting under the authority of a general order in each case, made by the district court: and at such times and places the registers may perform the acts which they are empowered to do by the act, and conduct proceedings in relation to the following matters, when uncontested, viz: Making adjudication of bankruptcy on petition of the debtor; directing, unless otherwise ordered by the court, the newspapers in which the notice shall be published by the messenger; administering oaths; receiving the surrender of a bankrupt; granting protection thereon; giving requisite direction for notices, advertisements, and other ministerial proceedings; taking proofs of claims; ordering payment of rates and taxes, and salary or wages of persons in the employment of the assignee; ordering amendments, or inspection, or copies, or extracts of any proceedings; taking accounts of proceeds of securities held by any creditor; taking evidence concerning expenses and charges against the bankrupt's estate: auditing and passing accounts of assignees; proceedings for the declaration and payment of dividends, and taxing costs in any of the proceedings; all of which shall be subject to the control of the court.

6. Every register, in performing the duties required of him under the act, and by these orders, or by orders of the district court, shall use all reasonable dispatch, and shall not adjourn the business but for good cause shown. Six hours' session shall constitute a day's sitting if the business requires; and when there is time to complete the proceedings in progress within the day, the party obtaining any adjournment or postponement thereof may be charged, if the court think proper, with all the costs incurred in consequence of the delay.

7. It shall be the duty of the register to examine the bankrupt's petition and schedules filed therewith, and to certify whether the same are correct in form; or, if deficient, in what respect they are so; and the court may allow amendments to be made in the petition and schedules upon the application of the petitioner, upon proper cause shown, at any time prior to the discharge of the bankrupt. The register shall indorse

upon each paper filed with him the time of filing, and at the close of the last examination of the bankrupt, the register having charge of the case shall file all the papers relating thereto in the office of the clerk of the district court, and these papers, together with those on file in the clerk's office, and the entries in the minute-book, shall constitute the record in each case; and the clerk shall cause the papers in each case to be bound together.

8. Whenever an order is made by a register in any proceeding in which notice is required to be given to either party before the order can be made, the fact that the notice was given, and the substance of the evidence of the manner in which it was given, shall be recited in the preamble to the order, and the fact also stated that no adverse interest was represented at the time and place appointed for the hearing of the matter upon such notice; and whenever an order is made where adverse interests are represented before the register, the fact shall be stated that the opposing parties consented thereto, or that the adverse interest represented made no opposition to the granting of such order.

9. It shall be the duty of the register, immediately upon the appointment of an assignee, as prescribed in sections twelve and thirteen of the act, (should he not be present at such meeting,) to notify him, by personal or mail service, of his appointment; and in such notification the assignee so appointed shall be required to give notice forthwith to the register of his acceptance or rejection of the trust.

10. The examination of witnesses before a register in bankruptcy may be conducted by the party in person or by his counsel or attorney, and the witnesses shall be subject to examination and cross-examination, which shall be had in conformity with the mode now adopted in courts of law. The depositions upon such examination shall be taken down in writing by the register in the form of narrative, unless he determines that the examination shall be by question and answer in special instances, and when completed, shall be read over to the witness and signed by him in the presence of the register. Any question or questions which may be objected to shall be noted by the register upon the deposition, but he shall not have power to decide on the competency, materiality, or relevancy of the question; and the court shall have power to deal with the costs of incompetent, immaterial, or irrelevant depositions, or parts of them, as may be just. In case of refusal of a witness to attend, or testify before a register, the same proceedings may be had as are now authorized with respect to witnesses to be produced on examination before an examiner of any of the courts of the United States on written interrogatories.

11. A memorandum made of each act performed by a register shall be in suitable form, to be entered upon the minute-book of the court, and shall be forwarded to the clerk of the court not later than by mail the next day after the act has been performed. Whenever an issue is raised before the register in any proceedings, either of fact or law, he shall cause the same to be stated in writing in the manner required by the fourth and sixth sections of the act, and certify the same forthwith to the district judge for his decision. The pendency of the issue undecided before a judge shall not necessarily suspend or delay other proceedings before the register or court in the case.

12. Every register shall keep an accurate account of his traveling and incidental expenses, and those of any clerk or other officer attending him in the performance of his duties in any case or number of cases which may be referred to him; and shall make return of the same under oath, with proper vouchers, (when vouchers can be procured,) on the

first Tuesday in each month; and the marshal shall make his return, under oath, of his actual and necessary expenses in the service of every warrant addressed to him, and for custody of property, publication of notices, and other services, and other actual and necessary expenses paid by him, with vouchers therefor whenever practicable, and also with a statement that the amounts charged by him are just and reasonable.

13. It shall be the duty of the marshal as messenger to take possession of the property of the bankrupt, and to prepare, within three days from the time of taking such possession, a complete inventory of all the property, and to return it as soon as completed. The day of filing the petition and the value of the assets as appearing in schedule B shall be stated. The time for making the inventory and return may be enlarged, under proper circumstances, by special order of the district court: [*Provided, however*, That if any goods or effects so taken into possession as the property of the bankrupt shall be claimed by or in behalf of any other person, the marshal shall forthwith notify the petitioning creditor of such claim, and may, within five days after so giving notice of such claim, deliver them to the claimant or his agent, unless the petitioning creditor or party at whose instance possession is taken shall, by bond with sufficient sureties to be approved by the marshal, indemnify the marshal for the taking and detention of such goods and effects, and the expenses of defending against all claims thereto; and in case of such indemnity, the marshal shall retain possession of such goods and effects, and proceed in relation thereto as if no such claim had been made: *And provided further*, That in case the petitioning creditor claims that any property not in the possession of the bankrupt belongs to him, and should be taken by the marshal, the marshal shall not be bound to take possession of the same, unless indemnified in like manner.] He shall also, in case the bankrupt is absent or cannot be found, prepare a schedule of the names and residences of his creditors, and the amount due to each, from the books or other papers of the bankrupt that may be seized by him under his warrant, and from any other sources of information; but all statements upon which his return shall be made shall be in writing, and sworn to by the parties making them, before one of the registers in bankruptcy of the court, or a commissioner of the courts of the United States. In cases of voluntary bankruptcy, the marshal may appoint special deputies to act, as he may designate, in one or more cases, as messengers, for the purpose of causing the notices to be published and served as required in the eleventh section of the act, and for no other purpose. In giving the notices required by the third subdivision of the eleventh section of the act, it shall be sufficient to give the names, residences, and the amount of the debts (in figures) due the several creditors, so far as known, and no more.

14. All petitions, and the schedules filed therewith, shall be printed or written out plainly, and without abbreviation or interlineation, except where such abbreviation or interlineation may be for the purpose of reference; and whenever any amendments are allowed, they shall be written and signed by the petitioner on a separate paper, in the same manner as the original schedules were signed and verified; and if the amendments are made to different schedules, the amendments to each schedule shall be made separately, with proper reference to the schedule proposed to be amended, and each amendment shall be verified by the oath of the petitioner, in the same manner as the original schedules.

15. Whenever two or more petitions shall be filed by creditors against a common debtor, alleging separate acts of bankruptcy, committed by said debtor on different days within six months prior to the filing of

said petitions, and the debtor shall appear and show cause against an adjudication of bankruptcy against him on the petitions, that petition shall be first heard and tried which alleges the commission of the earliest act of bankruptcy; and in case the several acts of bankruptcy are alleged in the different petitions to have been committed on the same day, the court before which the same are pending may order them to be consolidated, and proceed to a hearing as upon one petition; and if an adjudication of bankruptcy be made upon either petition, or for the commission of a single act of bankruptcy, it shall not be necessary to proceed to a hearing upon the remaining petitions, unless proceedings be taken by the debtor, for the purpose of causing such adjudication to be annulled or vacated.

16. In case two or more petitions shall be filed against the same individual in different districts, the first hearing shall be had in the district in which the debtor has his domicile, and such petition may be amended by inserting an allegation of an act of bankruptcy committed at an earlier date than that first alleged, if such earlier act is charged in either of the other petitions; and in case of two or more petitions against the same firm in different courts, each having jurisdiction over the case, the petition first filed shall be first heard, and may be amended by the insertion of an allegation of an earlier act of bankruptcy than that first alleged, if such earlier act is charged in either of the other petitions, and, in either case, the proceedings upon the other petitions may be stayed until an adjudication is made upon the petition first heard; and the court which makes the first adjudication of bankruptcy shall retain jurisdiction over all proceedings therein until the same shall be closed. In case two or more petitions for adjudication of bankruptcy shall be filed in different districts by different members of the same copartnership, for an adjudication of the bankruptcy of said copartnership, the court in which the petition is first filed, having jurisdiction, shall take and retain jurisdiction over all proceedings in such bankruptcy until the same shall be closed; and if such petitions shall be filed in the same district, action shall be first had upon the one first filed.

17. Whenever it may be deemed for the benefit of the estate of a bankrupt to redeem and discharge any mortgage or other pledge, or deposit, or lien upon any property, real or personal, or to relieve said property from any conditional contract, and to tender performance of the conditions thereof, or to compound any debts or other claims or securities due or belonging to the estate of the bankrupt, the assignee, or the bankrupt, or any creditor who has proved his debt, may file his petition therefor in the office of the clerk of the district court; and thereupon the court shall appoint a suitable time and place for the hearing thereof, notice of which shall be given in some newspaper, to be designated by the court, at least ten days before the hearing, so that all creditors and other persons interested may appear and show cause, if any they have, why an order should not be passed by the court upon the petition authorizing such an act on the part of the assignee.

18. In case one or more members of a copartnership refuse to join in a petition to have the firm declared bankrupt, the parties refusing shall be entitled to resist the prayer of the petition in the same manner as if the petition had been filed by a creditor of the partnership, and notice of the filing of the petition shall be given to him in the same manner as provided by law and by these rules in the case of a debtor petitioned against; and he shall have the right to appear at the time fixed by the court for the hearing of the petition, and to make proof, if he can, that the copartnership is not insolvent, or has not committed an act of bank-

ruptcy, and to take all other defenses which any debtor proceeded against is entitled to take by the provisions of the act; and in case an adjudication of bankruptcy is made upon the petition, such copartner shall be required to furnish to the marshal, as messenger, a schedule of his debts and an inventory of his property, in the same manner as is required by the act in cases of debtors against whom adjudication of bankruptcy shall be made.

19. The assignee shall, immediately on entering upon his duties, prepare a complete inventory of all the property of the bankrupt that comes into his possession; and all sales of the same shall be by public auction, unless otherwise ordered by the court. Every assignee shall keep full, exact, and regular books of account of all receipts, payments, and expenditures of money by him, and shall make report to the court, within twenty days after receiving the deed of assignment, of the articles set off to the bankrupt by him, according to the provisions of the fourteenth section of the act, with the estimated value of each article; and any creditor may take exceptions to the determination of the assignee within twenty days after the filing of the report. The register may require the exceptions to be argued before him, and shall certify them to the court, for final determination, at the request of either party. At the expiration of three months from the date of the adjudication of bankruptcy, the assignee shall file with the register a report, which shall exhibit just and true accounts of all his receipts and payments, verified by his oath; and he shall also file at the same time a statement of the whole estate of the bankrupt, as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, and also what debts or claims are yet undetermined. The register may, if he shall judge it expedient, order that the second general meeting of creditors be called. Similar reports and statements shall be made, and similar proceedings had thereon, at the expiration of each successive period of three months. The substance of each monthly return of the assignee shall be sent by the register to any creditor who shall request it, and pay the fee provided for notices to creditors. In case the assignee shall neglect to file any report or statement which it is made his duty to file or make by the bankrupt act, or any general order in bankruptcy, within five days after the same shall be due, it shall be the duty of the register to make an order requiring the assignee to show cause before the court, at a time specified in the order, why he should not be removed from office. The register shall cause a copy of the order to be served upon the assignee at least seven days before the time fixed for the hearing, and proof of the service thereof to be delivered to the clerk.

20. Whenever an assignee shall make application to the court for authority to submit a controversy arising in the settlement of demands against the bankrupt's estate, or of debts due it, to the determination of arbitrators, or for authority to compound and settle such controversy by agreement with the other party, the subject-matter of the controversy and the reasons why the assignee thinks it proper and most for the interest of the creditors that it should be settled by arbitration or otherwise, shall be set forth clearly and distinctly in the application: and the court, upon examination of the same, may immediately proceed to take testimony and make an order thereon, or may direct the assignee to give notice of the application, either by publication or by mail, or both, to the creditors who have proved their claims, to appear and show cause, on a day to be named in the order and notice, why the application

should not be granted, and may make such order thereon as may be just and proper.

21. In making sales of personal property, the assignee shall give at least ten days' notice of the time and place of the sale, and of the articles to be sold, by advertisement in one or more newspapers, to be designated by the court or by a register, and by posted handbills or otherwise, as he may think best for the interest of the estate, or as the court may order, and he shall give like notice of the sale of any real estate at least twenty days before such sale. Upon his application to the court, and for good cause shown, the assignee may be authorized to sell any specified portion of the bankrupt's estate at private sale; in which case he shall keep an accurate account of each article sold, and the price received therefor, and to whom sold; which account he shall file with his report, at the first meeting of creditors after the sale. The court, by order in special cases, may dispense with newspaper and handbill advertisements. In making sale of the franchise of a corporation, it may be offered in fractional parts or in certain numbers of shares, corresponding to the number of shares in the bankrupt corporation. And in making the sale of the real estate of a bankrupt, the assignee shall, unless otherwise ordered by the court, offer the same in lots or parcels, if it exists in separate parcels, in such manner as may be for the interest of the creditors of the estate.

22. In all cases where goods or other articles come into possession of the messenger or assignee which are perishable, or liable to deterioration in value, the court may, upon application, in its discretion, order the same to be sold, and the proceeds deposited in court.

23. The notice provided by the eighteenth section of the act shall be served by the marshal or his deputy, and notices to the creditors of the time and place of meeting, provided by the section, shall be given through the mail by letter, signed by the clerk of the court.

Every envelope, containing a notice sent by the clerk or messenger, shall have printed on it a direction to the postmaster at the place to which it is sent to return the same within ten days, unless called for.

24. A creditor, opposing the application of a bankrupt for discharge, shall enter his appearance in opposition thereto on the day when the creditors are required to show cause, and shall file his specification of the grounds of his opposition in writing, within ten days thereafter, unless the time shall be enlarged by order of the district court in the case, and the court shall thereupon make an order as to the entry of said case for trial on the docket of the district court, and the time within which the same shall be heard and decided.

25. Whenever any bankrupt shall apply for his discharge within three months from the date of his being adjudged a bankrupt, under the provisions of the twenty-ninth section of the act, the court may direct that the second and third meetings of creditors of said bankrupt, required by the twenty-seventh and twenty-eighth sections of said act, shall be had on the day which may be fixed in the order of notice for the creditors to appear and show cause why a discharge should not be granted such bankrupt; and the notices of such meeting shall be sufficient, if it be added to the notice to show cause, that the second and third meetings of said creditors shall be had before the register upon the same day that cause may be shown against the discharge, or upon some previous days or day.

26. Appeals in equity from the district to the circuit court, and from the circuit to the Supreme Court of the United States, shall be regulated by the rules governing appeals in equity in the courts of the United States.

Any supposed creditor, who takes an appeal to the circuit court from the decision of the district court rejecting his claim, in whole or in part, according to the provisions of the eighth section of the act, shall give notice of his intention to enter the appeal within ten days from the entry of the final decision of the district court upon his claim; and he shall file his appeal in the clerk's office of the circuit court within ten days thereafter, setting forth a statement in writing of his claim, in the manner prescribed by said section; and the assignee shall plead or answer thereto in like manner within ten days after the statement shall be filed. Every issue thereon shall be made up in the court, and the cause placed upon the docket thereof, and shall be heard and decided in the same manner as other actions at law.

27. If at the time of preferring his petition the debtor shall be imprisoned, the court, upon his application, may order him to be produced upon habeas corpus by the jailer, or any officer in whose custody he may be, before the register, for the purpose of testifying in any matter relating to his bankruptcy; and if committed after the filing of his petition upon process in any civil action founded upon a claim provable in bankruptcy, the court may, upon like application, discharge him from such imprisonment. If the petitioner, during the pendency of the proceedings in bankruptcy, be arrested or imprisoned upon process in any civil action, the district court, upon his application, may issue a writ of habeas corpus to bring him before the court, to ascertain whether such process has been issued for the collection of any claim provable in bankruptcy, and, if so provable, he shall be discharged; if not, he shall be remanded to the custody in which he may lawfully be. Before granting the order for discharge, the court shall cause notice to be served upon the creditor, or his attorney, so as to give him an opportunity of appearing and being heard before the granting of the order.

28. The district court in each district shall designate certain national banks, if there are any within the judicial district, or, if there are none, then some other safe depository, in which all moneys received by assignees, or paid into court in the course of any proceedings in bankruptcy, shall be deposited; and every assignee and the clerk of said court shall deposit all sums received by them severally, on account of any bankrupt's estate, in one designated depository; and every clerk shall make a report to the court of the funds received by him, and of deposits made by him, on the first Monday of every month. On the first day of each month the assignee shall file a report with the register, stating whether any collections, deposits, or payments have been made by him during the preceding month, and if any, he shall state the gross amount of each. The register shall enter such reports upon a book to be kept by him for that purpose, in which a separate account shall be kept with each estate; and he shall also enter therein the amount, the date, and the expressed purpose of each check countersigned by him. No moneys so deposited shall be drawn from such depository unless upon a check, or warrant, signed by the clerk of the court or by an assignee, and countersigned by the judge of the court or one of the registers designated for that purpose, stating the date, the sum, and the account for which it is drawn; and an entry of the substance of such check or warrant, with the date thereof, the sum drawn for, and the account for which it is drawn, shall be forthwith made in a book kept for that purpose by the assignee or the clerk; and all checks and drafts shall be entered in the order of time in which they are drawn, and shall be numbered in the case of each estate. A copy of this rule shall be

furnished to the depository so designated, and also the name of any register authorized to countersign said checks.

29. The fees of the register, marshal, and clerk shall be paid or secured in all cases before they shall be compelled to perform the duties required of them by the parties requiring such service; and in the case of witnesses their fees shall be tendered or paid at the time of the service of the summons or subpœna, and shall include their traveling expenses to and from the place at which they may be summoned to attend. The court may order the whole or such portion of the fees and costs in each case to be paid out of the fund in court in such case as shall seem just.

The funds deposited with the register, marshal, and clerk shall, in all cases where they come out of the bankrupt's estate, be considered as a part of such estate, and the assignee shall be charged therewith, and shall not be allowed for any disbursements therefrom, except upon the production of proper vouchers from such officers respectively, given after the due allowance of their respective bills.

30. In addition to the fees expressly allowed by the bankrupt act, there shall be allowed the following:

To the clerks: For every copy of any paper in proceedings in bankruptcy, twenty-five cents for certifying the same, and ten cents in addition for each folio of one hundred words. For each notice required to be sent by mail, when signed by the clerk, ten cents, to be prepaid by the party required to give the notice.

To the registers: Affidavits to any petition, schedule, or other proceedings in bankruptcy, except proof of debt by a creditor or his agent, for each oath and certifying the same, twenty-five cents.

For examining petition and schedules, and certifying to their correctness, three dollars.

For notification to assignee of his appointment, fifty cents. For assignment of bankrupt's effects, one dollar. For order to assignee, directing publication of his appointment, fifty cents. For order for examination of the bankrupt or his wife, one dollar.

Summons or subpœna for witness, twenty-five cents. For taking examination of bankrupt or his wife, or any witness, under section twenty-six, and for each examination in proof of debt, under section twenty-two, twenty cents for each folio, and one dollar for each hour actually engaged; and for certifying each affidavit or deposition in proof of debt as satisfactory, twenty-five cents.

The fees paid by creditors for establishing their debts as above shall be entitled to priority of payment under section twenty-eight.

For computation of dividends, five dollars; and ten cents for each creditor to whom a dividend is declared. For every certificate of question to the district court or judge, under the fourth and fifth sections of the act, one dollar, which may be increased in any case by order of the judge.

When the proceedings are not conducted in the usual office of the register, the traveling and incidental expenses of the register, and of any clerk or other officer attending him, shall be allowed, and five dollars for each day employed in going, attending, and returning, and such expenses and fees shall be apportioned among the cases as provided in section five.

No other allowance shall be made for clerk hire.

For each notice which the register may be required to send to creditors, fifteen cents, which shall include postage and stationery.

For each memorandum sent by the register to the clerk, ten cents for each folio and fifteen cents for the certificate.

No fees shall be allowed to the register except those hereinbefore enumerated.

The fifty dollars deposited, under Rule 47, with the clerk for the register shall be delivered by the clerk to the register to whom the case is referred.

Ten days before the day fixed for the consideration of the assignee's final account, or at any other time fixed by the court on its own motion, or on the application of any person interested, the clerk, marshal, and register shall file with a master commissioner of the court, or some other fit person who shall be appointed by the court for that purpose as a standing auditor, a statement of fees, including prospective fees for final distribution, which shall exhibit, by items, each service and the fee charged for it, and the amount received. Said auditor shall tax each fee-bill, allowing none but such as are provided for by the statute or by these rules, which taxation shall be conclusive, reserving to the party interested exceptions to the report which shall be decided by the court.

The reasonable compensation of the master or auditor for taxing these fee-bills, not exceeding ten dollars in any one case of bankruptcy, shall be paid out of any funds in the hands of the assignee, and if there be no such funds, by the clerk, marshal, and register, in proportion to the amount of their bills so taxed and allowed.

Any money received by either of the officers mentioned in excess of lawful fees or compensation, shall be ordered by the judge to be paid into court, and such order may be enforced, if necessary, by attachment as for contempt..

No bankrupt's discharge shall be refused or delayed by reason of the non-payment of any fees, except the fee for his certificate of discharge.

31. In cases of involuntary bankruptcy, where the debtor resists an adjudication, and the court, after hearing, shall adjudge the debtor a bankrupt, the petitioning creditor shall recover, to be paid out of the fund, the same costs that are allowed by law to a party recovering in a suit in equity; and in case the petition shall be dismissed, the debtor may recover like costs from the petitioner.

32. The several forms specified in the schedules annexed to these orders for the several purposes therein stated shall be observed and used, with such alterations as may be necessary to suit the circumstances of any particular case. In all cases where, by the provisions of the act, a special order is required to be made in any proceeding, or in any case instituted under the act in a district court of the United States, such order shall be framed by the court to suit the circumstances of the particular case; and the forms hereby prescribed shall be followed as nearly as may be, and so far as the same are applicable to the circumstances requiring such special order. In proceedings in equity, instituted for the purpose of carrying into effect the provisions of the act, or for enforcing the rights and remedies given by it, the rules of equity practice established by the Supreme Court of the United States shall be followed as nearly as may be. In proceedings at law, instituted for the same purpose, the rules of the circuit court regulating the practice and procedure in cases at law shall be followed as nearly as may be. But the court, as the judge thereof, may, by special rule in any case, vary the time allowed for return of process, for appearance and pleading, and for taking testimony and publication, and may otherwise modify the rules for the preparation of any particular case, so as to facilitate a speedy hearing.

33. Whenever a debtor shall omit to state in the schedules annexed

to his petition any of the facts required to be stated concerning his debts or his property, he shall state, either in its appropriate place in the schedules or in a separate affidavit to be filed with the petition, the reason for the omission, with such particularity as will enable the court to determine whether to admit the schedules as sufficient, or to require the debtor to make further efforts to complete the same according to the requirements of the law; and, in making any application for amendment to the schedules, the debtor shall state under oath the substance of the matters proposed to be included in the amendment, and the reasons why the same had not been incorporated in his schedules as originally filed, or as previously amended. In like manner, he may correct any statement made during the course of his examination.

34. Depositions to prove claims against a bankrupt's estate shall be correctly entitled in the court and in the cause. When made to prove a debt due to a copartnership, it must appear on oath that the deponent is a member of the creditor firm; when made by an agent, the reason the deposition is not made by the claimant in person must be stated; and when made to prove a debt due to a corporation, and the corporation has no such officer as cashier or treasurer, the deposition may be made by the officer whose duties most nearly correspond to those of cashier or treasurer. Depositions to prove debts existing in open account shall state when the debt became or will become due; and, if it consists of items maturing at different dates, the average due date shall be stated, in default of which it shall not be necessary to compute interest upon it. All such depositions shall contain an averment that no note has been received for such account, nor any judgment rendered thereon. Proofs of debt received by any assignee shall be delivered to the register to whom the cause is referred. The register may decline to file any deposition until the fee for filing the same is paid. When a proof of debt is sent by mail to the register, and it shall be accompanied by the fee for filing it, and the fee for sending a notice to a creditor, the register shall acknowledge the receipt of it, and state the amount at which he has entered it, and if it shall be insufficient or unsatisfactory to the register, he shall state the reason.

Any creditor may file with the register a request that all notices to which he may be entitled shall be addressed to him at any place, to be designated by the post-office box or street number, as he may appoint, and thereafter, and until some other designation shall be made by such creditor, all notices shall be so addressed; and in other cases notices shall be addressed as specified in the proof of debt.

Claims which have been assigned before proof, shall be supported by a deposition of the owner at the time of the commencement of proceedings, setting forth the true consideration of the debt, and that it is entirely unsecured, or, if secured, such deposition shall set forth the security, as is required in proving secured claims.

Upon filing with the register satisfactory proof of the assignment of a claim proved and entered on the register's docket, the register shall immediately give notice by mail, to the original claimant, of the filing of such proof of assignment.

And if no objection be entered within ten days, he shall make an order subrogating the assignee to the original claimant.

If objection be made within the time specified, or within such further time as may be granted for that purpose, the register shall certify the objection into court for determination. The claims of persons contingently liable for the bankrupt, may be proved in the name of the creditor, when known by the party contingently liable.

When the name of the creditor is unknown, such claims may be proved in the name of the party contingently liable; but no dividend shall be paid upon such claim, except upon satisfactory proof that it will diminish, pro tanto, the original debt. The execution of any letter of attorney to represent a creditor, or of an assignment of claim after proof, or of the consent of a creditor to a bankrupt's discharge, may be proved or acknowledged before a register in bankruptcy, or a United States circuit court commissioner. When executed on behalf of a copartnership, or of a corporation, the person executing the instrument shall make oath that he is a member of the firm, or duly authorized officer of the corporation, on whose behalf he acts.

When the party executing is not personally known to the officer taking the proof or acknowledgment, his identity shall be established by satisfactory proof.

When the assignee or any creditor shall desire the re-examination of any claim filed against the bankrupt's estate, he may apply by petition to the register to whom the clause is referred, for an order for such re-examination; and thereupon the register shall make an order fixing a time for hearing the petition, of which due notice shall be given by mail, addressed to the creditor.

At the time appointed, the register shall take the examination of the creditor, and of any witnesses that may be called by either party; and if it shall appear from such examination that the claim ought to be expunged or diminished, the register, if no objection be made, may order accordingly. If objection be made, the register shall require the parties then, or within a time to be fixed for that purpose, to form an issue to be certified into court for determination.

If the petitioner is in default in making up said issue, the petition shall be dismissed; if the creditor whose claim is re-examined is in default in making said issue, the claim may be diminished or expunged by the register.

All orders thus made by the register may be reviewed by the court on special petition, and upon showing satisfactory cause for such review.

PART IV.

OF CRIMES, PUNISHMENTS, AND PROCEEDINGS IN CRIMINAL CASES.

TITLE I.—OF CRIMINAL COURTS AND JUDICIAL OFFICERS.

CHAPTER I.—OF THE COURTS.

SECTION —. The supreme court, holding a criminal court, as now provided by law, shall have jurisdiction of all crimes committed within the District of Columbia against the laws of the United States or of the District of Columbia, except as hereinafter provided.

SEC. —. Upon the trial of any cause in the criminal court originally cognizable therein, and in appeals from the police court, where the question involved is one of nuisance, or the sentence of the criminal court may exceed three months' imprisonment or five hundred dollars fine, or both, either party may reserve exceptions to the rulings and instructions of the justice holding said court, in the same manner and with the same effect, as to hearing by the supreme court in general term, as in civil cases; or the verdict of the jury may be taken subject to the opinion of the court upon questions of law reserved. The justice holding the criminal court may, also, in his discretion, certify questions of law to the court in general term, there to be heard and determined.

SEC. —. All prosecutions originating in said criminal court shall be upon indictment found by the grand jury in attendance thereon, but all prosecutions upon appeal from the police court shall be upon the information of the attorney of the United States for the District of Columbia, filed in the police court. Said prosecution, on appeal, shall be tried *de novo.* The justice holding said criminal court may, in his discretion, on motion of the attorney of the United States, or of the defendant, order any question of law arising on the trial, to be heard in the first instance at a general term; but in such case the trial shall proceed and a verdict be taken, subject to the opinion of the court on the question so ordered up. The United States shall have the same right of exception and appeal as the defendant in all criminal cases.

POLICE COURT.

There shall be in the District of Columbia a court to be called the police court, to consist of one judge, who shall be a man learned in the law, and who shall receive a salary of three thousand dollars per annum. Said judge shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold his office for six years. He shall take the oath prescribed for judges of the courts of the United States. Said court shall have power to appoint a clerk at a salary of two thousand dollars per annum, who shall give bond with security, and take the oaths prescribed for clerks in the district courts of the United States. Said clerk may appoint a deputy, at a salary not to exceed twelve hundred dollars per annum.

SEC. —. Said police court shall have jurisdiction of all offenses against the United States committed in the District of Columbia, not deemed capital or otherwise infamous crimes, that is to say, of all simple assaults and batteries and all other misdemeanors, not punishable by imprisonment in the penitentiary, except conspiracies, the keeping of gaming-houses, libel, and offenses against the law respecting dueling, and of all offenses against any of the laws of the District of Columbia, or of the ordinances of the old corporations of Washington and Georgetown, in force in said cities, or of the acts of the old levy court in force.

SEC. —. Prosecutions in said police court shall be by information filed by the attorney of the United States upon oath of some credible person, without indictment by grand jury or trial by petit jury; but any party deeming himself aggrieved by the judgment of said court may appeal to the criminal court held by a justice of the supreme court of the District of Columbia, and in such case the appeal shall be tried on the information filed in the court below, certified to said criminal court by a jury in attendance thereat, as though the case had originated therein.

SEC. —. Said police court shall have power to make such rules and regulations as may be deemed necessary and proper for conducting business therein. Contempts may be punished by fine and imprisonment, or by either; but the fine shall in no case exceed twenty dollars, nor shall the imprisonment be for a longer time than forty-eight hours.

SEC. —. The salaries of said judge and clerk, the compensation of said deputy clerk and bailiffs, and the fees of the marshal of said District, shall be paid quarterly by the proper authorities of the District of Columbia.

SEC. —. All fines, penalties, costs, and forfeitures imposed or taxed by said police court shall be collected by the marshal aforesaid, or by the chief of the Metropolitan Police, as the case may be, on process ordered by said police court, and by him paid over to the treasurer of said District.

SEC. —. No justice of the peace shall hereafter exercise any jurisdiction over crimes and offenses committed in said District, either for examination to commit or hold to bail, or for final judgment, except that any justice of the peace may, on complaint, under oath or actual view, issue warrants against persons accused of such offenses, which shall be returnable to the said police court, and he shall make a record of his proceedings in every case in a book to be kept for that purpose.

SEC. —. The judge of said police court may examine and commit, or hold to bail in all offenses, whether cognizable in said police court or in the criminal court of said District.

SEC. —. It shall be the duty of the attorney of the United States for the District of Columbia, in person or by one or more of his assistants or deputies, to attend to the prosecution of all cases arising under the provisions contained in this title; for which service he shall be paid the same fees as are now allowed to district attorneys for such service under the first section of the act of Congress approved February twenty-sixth, eighteen hundred and fifty-three. Said attorney shall hereafter pay his deputies or assistants, his clerk-hire, office-rent, fuel, stationery, printing, and other incidental expenses of his office, out of the fees thereof, taxed and allowed under the provision of the said first section of the said act of February twenty-sixth, eighteen hundred and fifty-three; which said fees shall be paid to him quarterly at the Treas-

ury of the United States, on the first day of January, April, July, and October, in each year, upon a return in writing, made to the Secretary of the Treasury in such form as he shall prescribe, embracing all the fees and emoluments of his office, under the oath of said attorney for said District, and the certificate of a judge or justice of the court wherein the service may have been rendered, that the services for which said fees are charged have been performed; and so much of the third section of said act, approved February twenty-sixth, eighteen hundred and fifty-three, as relates to the compensation of United States attorneys, and the allowance of their office expenses, clerk-hire, or other incidental expenses, shall not hereafter apply to said attorney for said District of Columbia: *Provided*, That the compensation of said district attorney shall not exceed six thousand dollars per annum, and that the amount to be paid for assistants and clerk-hire shall not exceed such sum as the Attorney-General of the United States shall designate.

SEC. —. The said attorney of the United States for the District of Columbia, and every assistant or deputy by him duly appointed, shall be, and is hereby, authorized and empowered to administer oaths or affirmations to witnesses in criminal cases, and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation may be administered as aforesaid, shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and shall be punished accordingly.

SEC. —. Said police court shall hold a term on the first Monday of every month, and continue the same from day to day, and keep the court open as long as may be necessary for the transaction of its business. Said judge shall have power to issue process for the arrest of persons against whom information may be filed, or complaint under oath may be made, to compel the attendance of witnesses; and said court may enforce any of its judgments or sentences by fine or imprisonment, or by both. In cases arising under Title ——, of police regulations, such process shall be directed to the chief of the Metropolitan Police of the District of Columbia, who shall execute the same, and make return thereof, in like manner as in other cases; but in cases arising under this Title, the process shall be directed to the marshal of said District, except in cases of emergency, when it may be directed to said chief of Metropolitan Police; and for his services the marshal shall receive the same fees prescribed for like service in said criminal court, to be paid as provided in section — of this chapter. Such process shall be under the seal of said police court, and shall bear teste in the name of said judge and be signed by the clerk. And in cases of sickness, absence, or disability of said police judge, either of the justices of the supreme court of the District of Columbia shall designate some justice of the peace of said District to discharge the duties of said police judge, until such disability be removed, who shall take the same oath as is prescribed for said judge of the police court, and shall receive the sum of ten dollars per day, for the time he shall serve, to be paid in the same manner as the salary of said police judge is paid.

SEC. —. Said police court shall have power to punish contempts, and to issue all process necessary for the exercise of its jurisdiction, and shall have a seal. But said court shall not have power to naturalize foreigners.

SEC. —. Said police court may appoint bailiffs, not exceeding two, who shall receive for their services three dollars each for every day's

attendance upon said court, to be paid as provided for in section — of this chapter, upon certificate of said service by the judge of said court.

SEC. —. There shall be no fee charged for any service by the clerk of said police court. The witnesses shall receive the same fees as are allowed for similar service and attendance in the criminal court, and be paid by the District of Columbia.

SEC. —. In all appeals from said police court, the party applying for appeal shall enter into recognizance, with sufficient surety to be approved by the judge, for his appearance at the criminal court then in session, or at the next term thereof, if said criminal court be not then in session, there to prosecute said appeal and to abide by the judgment of said criminal court. Said recognizance so approved, together with the information, shall be immediately transmitted to the clerk of the supreme court of the District of Columbia. Upon such recognizance being given, all further proceedings in said police court shall be stayed, and the judgment in said criminal court shall be final in the case: *Provided*, That no recognizance shall be required of any party so long as he shall be imprisoned; but the party appealing may prosecute his appeal without recognizance, he remaining in prison until the same shall be determined or recognizance be entered into.

SEC. —. The bailiffs of said court may act as deputies for the marshal of said District of Columbia, for the service of process issued by said court.

SEC. —. Said police court shall be provided with a suitable place for the holding of its sessions, at the expense of the District of Columbia. Said court shall have power to do all acts which may be necessary to the exercise of its jurisdiction.

SEC. —. Upon the failure of any party appealing from the judgment of said police court to the criminal court, to enter into recognizance, as provided for in section —, he shall be committed to jail to await his trial upon his appeal, and said trial shall be had in said criminal court, as though said recognizance had been entered into. In every case of appeal, the court below shall send up the information or complaint filed in the cause, and a copy of the record of all proceedings duly certified in the criminal court.

SEC. —. The judge of the said police court shall have power to administer oaths and affirmations to public officers.

SEC. —. If, for any reason, sentence against a party convicted shall not be pronounced until the term of court shall have expired at which the party was convicted, the court may pass sentence at the next ensuing term.

RULES OF THE POLICE COURT.

Sessions of the court.

The police court shall be open daily for the trial of all offenses coming within its jurisdiction at 9 o'clock a. m., Sundays and national holidays excepted. On Sundays and holidays the court shall be opened at 7 o'clock a. m., for the trial of persons accused of the following-named offenses, and not able to give bail for their appearance when required, namely: persons accused of being drunk and disorderly; disorderly conduct; profanity; indecent exposure; enticing prostitution and vagrancy. If any persons accused of any of the above-named offenses shall object to being tried on Sunday, and request that their case be continued until Monday, the request shall be granted.

Whenever any defendant is arraigned and an attorney appears in his

behalf, the plea of "not guilty," when desired by the defendant's attorney, shall be entered, and when no attorney appears for the defendant, and he is apparently ignorant of the accusation, or from any cause disqualified to plead to the information, the court shall immediately order a plea of "not guilty" to be entered.

Appeals.

An appeal may be taken from any decision of the court where a fine of five dollars or any sum exceeding that amount has been imposed, at any time within six days from the day of judgment, without notice of the same on the day of judgment. In any case where the defendant shall be fined in any sum less than five dollars, the appeal shall be taken, or notice thereof given, on the day of judgment. If notice be given, then the defendant shall be allowed six days in which to perfect his appeal.

Any person praying an appeal within the required period, and failing to give bail for his appearance as required, shall be committed to await trial upon his appeal, but if at any time during his commitment, and prior to his trial, he shall be able to give bail, the court shall take the same.

Any appeal may be dismissed by the surrender of the defendant into the custody of the marshal, and notice to the clerk, or by satisfying the judgment of the court, by paying the fine imposed to the marshal, and giving notice thereof to the clerk at any time before a jury be sworn for the trial of the appeal in the supreme court.

No appeal shall be allowed from any decision of the court after the judgment of the court has once been satisfied, (either by serving out the term of imprisonment adjudged, or by payment of the fine imposed.)

Bail.

The amount of bail required shall be fixed by the judge of the court, in all cases, and shall be in proportion to the gravity of the offense.

Any person desiring to become bail for any defendant, may be examined under oath touching the condition of his property and his fitness as bail, and be required to produce other evidence of his fitness if deemed necessary. If additional evidence be required, he shall be specifically informed of the character of the evidence required.

No person shall be rejected as bail because he is already bail for another defendant, provided he shall have sufficient property to satisfy the requirements of both cases and costs.

No person against whom a forfeiture has been entered, either in the police court or the supreme corut, shall be again received as bail until the forfeiture shall have been satisfied, or he shall have been relieved therefrom.

The police court shall take bail in all cases where persons are committed by that court to await the action of the grand jury, at any time prior to the finding of an indictment by the grand jury, whenever proper bail shall be offered, and the offense be bailable.

Whenever any defendant is committed to jail, in default of bail to keep the peace, he shall be committed for the period of six months, unless bail be sooner given. And whenever it shall appear to the satisfaction of the court that reasonable apprehensions of injury to others by the defendant no longer exist, the defendant shall be discharged.

Contempts.

No person shall be fined for any one contempt in any sum exceeding

twenty dollars. Nor shall any person be imprisoned for any act of contempt for a longer period than forty-eight hours. When any person shall be punished for contempt of court by imprisonment, the commitment of the court shall specify the act of contempt committed, the date and hour of its commitment, and where committed.

No person shall be convicted of profanity unless the profane words charged against him be such as are likely to cause a breach of the peace.

No person shall be convicted of vagrancy without it being established by competent evidence that he is a common solicitor of alms.

These rules shall be printed and posted in the court-room, and a copy thereof furnished to each officer of the court, and of the Metropolitan Police force, by the secretary of the Territory.

In all criminal proceedings where a verdict of a jury is rendered, such verdict may be either "guilty," "not guilty," or "not proven," according as the facts may be found by the jury: *Provided*, That the verdict "not proven" shall have the same legal effect as the verdict "not guilty."

No person summoned as a juror or talesman in the trial of criminal cases shall be disqualified from serving as such unless by reason of having formed an opinion as to the guilt or innocence of the prisoner at the bar, unless the opinion be such as he verily believes would disqualify him from rendering a verdict in conformity with the law and testimony as they may be submitted to him.

CHAPTER II.—OF THE POLICE.

SECTION —. The President of the United States, by and with the advice and consent of the Senate, shall appoint six commissioners of police, four of whom shall be residents of Washington, one of Georgetown, and one of the county outside of the cities of Washington and Georgetown, who, together with the governor of the said District ex officio, shall compose the board of the Metropolitan Police of the District of Columbia, a majority of whom shall constitute a quorum for the transaction of business. Before entering upon their duties as members of the board of police, the said commissioners and the governor aforesaid shall take and subscribe the official oath prescribed by law.

SEC. —. The term of office of two of the six commissioners appointed under this chapter shall expire in one year after the date of their appointment; and annually thereafter, on the same day of the year, the term of office of two other commissioners shall expire, when they shall be re-appointed or two other citizens of the District appointed in their stead from the same locality. The order in which the terms of office of the first appointees under this act shall expire shall be determined by lot.

SEC. —. The officers of the said board of police shall be a president and a treasurer, who shall be selected from the board, a secretary, property-clerk, and four other clerks, all of which officers shall be appointed by the board, and hold their offices during its pleasure, and perform such duties as it may require. The treasurer shall give a bond, with two or more sureties, to the satisfaction of the Secretary of the Interior, in the penal sum of thirty thousand dollars, for the faithful discharge of the duties of his office.

SEC. —. The board of police hereby constituted shall possess general powers of supervision and inspection; and it shall be its duty, at

all times of the day and night, within the boundaries of the District of Columbia, to preserve the public peace; to prevent crime, and arrest offenders; to protect the rights of persons and property; to preserve order at every public election, and to protect every citizen who is legally entitled to the elective franchise in the exercise thereof; to provide a proper police force at every fire, in order that thereby the firemen, citizens, and property may be protected; to protect strangers, travelers, and citizens at steamboat and ship landings, and railway-stations, and from dangers arising from trains or cars in motion; to see that all laws relating to the observance of the Sabbath and regarding elections, all licensed pawnbrokers, venders, hawkers, peddlers, keepers or drivers of hacks, carts, and other vehicles of conveyance, dealers in second-hand clothing or furniture, junk, rags, grease, soap, or other similar pursuits, intelligence-office keepers, fortune-tellers, auctioneers of watches or jewelry, and places of mock-auctions, suspected private banking-houses, pawnbrokers, or other brokers, and other establishments of doubtful legal or moral repute, gambling, intemperance, prostitution, lottery and gift-concert dealers, vagrants, pugilists, and other disorderly persons, are promptly enforced; and to enforce obedience to all laws and ordinances in force in the District, or any portion of it, which are properly applicable to police or health. And the board of police shall, annually, on or before the first Monday in November, report in writing the condition of the police within said District to the Secretary of the Interior.

SEC. —. The board of police shall have power to issue subpœnas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations; and in case of the neglect or refusal of witnesses duly summoned to appear and testify before said board, the superintendent of police shall cause the witness so neglecting to appear and testify, to be arrested and taken before any court of competent jurisdiction, when, upon proof of the neglect or refusal of the person so summoned to appear and testify, he shall be fined by said court, unless he offers a sufficient excuse for his neglect to appear and testify, a sum not less than ten nor more than fifty dollars, or imprisoned in the District jail not less than ten nor exceeding thirty days. Each member of the board of police, the superintendent of police, and the secretary of the board of police, is hereby given power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, and to any depositions made necessary by the rules and regulations of the Board of Police. Any willful or corrupt false swearing by any witness or person testifying or making depositions before any of the officers last mentioned, to any material fact, in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner prescribed by law for such offense.

SEC. —. The board of police shall cause to be kept general complaint-books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the District. It shall also cause to be kept books of record of the police, wherein shall be entered the name of every member of the police force, with his place of nativity, and the time when he became a citizen, if he was born out of the United States, his age, his former occupation, number and residence of his family, the date of appointment or dismissal from office, with the cause

of the latter. It shall also cause to be kept in proper books the accounts of the treasurer of the board, and the records of the several meetings thereof; and all receipts of money, or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person in every case receiving money, warrants, or checks from the treasurer. All such books shall be, at all business hours, and when not in actual use, open to the inspection of the Secretary of the Interior, or any officer authorized by him, and to the Committees on the District of Columbia of the two Houses of Congress, and to any committee of the legislative assembly appointed for that purpose. The board of police shall also cause to be kept and bound all police returns and reports.

SEC. —. The duties of the board of police shall be more especially executed, under the direction and control of said board and according to rules and regulations which it is hereby authorized and required to pass from time to time as occasion may require, for the proper government and discipline of its subordinate officers, by a police force which is authorized to do duty in the whole or any part of the District of Columbia. The members of the said police force shall consist of a superintendent, with the title of major; one inspector, with the title of captain; ten lieutenants; thirty-two sergeants; such a number of patrolmen or privates as the board may deem necessary, but not exceeding, for the regular service, two hundred and fifty; six detectives, three surgeons, one superintendent of police-telegraph, one messenger, and one laborer.

SEC. —. The several members of said police force shall be appointed and dismissed in accordance with such regulations as the said board may from time to time adopt; but it shall be the duty of the said board of police to dismiss each and every member of the said force who does not faithfully observe and execute all rules and regulations of said board, and all laws of the United States relating to police and health in force in the District, and all similar laws and ordinances of any local authorities of the District in those parts thereof to which they apply; but no member of the said force shall ever be appointed or dismissed on account of his political opinions; and no member of the said police who has been dismissed from the force for cause shall ever thereafter be reappointed: *Provided, however*, That no person shall be so appointed to office in the police force aforesaid who cannot read plainly written composition and write an intelligible letter or note in the English language, or who is not a citizen of the United States, and has not been a citizen of and domiciled in the District of Columbia for at least one year immediately preceding the date of his appointment, or who shall ever have been convicted of crime: *And provided*, That no person shall be removed therefrom except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense.

SEC. —. The annual salary of each commissioner of police shall be six hundred dollars; of the treasurer, one thousand five hundred dollars, inclusive of his salary as commissioner; of the secretary and property-clerk, each, two thousand dollars; of the clerks to the board, each, one thousand five hundred dollars; of the superintendent of the force, three thousand dollars; captain and inspector, two thousand dollars; of the lieutenants, each, one thousand six hundred dollars; of the sergeants, each, one thousand four hundred dollars; of the superintendent of police-telegraph, fifteen hundred dollars; and of the messenger and laborer, each, seven hundred and twenty dollars; two-thirds of which

annual salaries shall be paid by the United States, and one-third by the District of Columbia, which is required to pay the same. And that from and after the passage of this act, the treasurer of the board of police shall annually furnish the governor of the District of Columbia with a just estimate of the amount required from said District during the year following for the payment of its proportion of the amount it is required to raise under the provisions of this section. And the legislature of said District is hereby required to levy and collect a special tax on all taxable property within said District, for the payment of said salaries, and the same shall be set apart and not be used or expended for any other purpose whatsoever; and said taxes, when collected, shall be deposited with such legal depositary of public moneys as shall be designated by the Secretary of the Interior, and always so much in advance as to be amply sufficient to meet the monthly payments as required. And said treasurer shall file a bond, with sureties satisfactory to said Secretary, in the further sum of ten thousand dollars; whereupon he shall be authorized to draw upon said depositary, monthly, for such sums, respectively, as shall be required to pay the proportionate shares of the said District; and the receipted pay-rolls taken by the treasurer shall be turned over quarterly to the District government, as just and sufficient vouchers for the money so expended.

SEC. —. The board of police may divide the District of Columbia into precincts not exceeding ten, and may assign one lieutenant to each of said precincts. It shall be the duty of the board to establish in each precinct a station for the accommodation of the police force on duty therein, and the board may establish sub-stations in the several precincts for the same purpose. It may, from time to time, detail and change, without regard to limitation or residence, the lieutenants, sergeants, or privates to such parts of the District, or to such stations, police or criminal courts, and to the public offices of the Government of the United States, or of the municipal authorities of the District, as it may deem advisable. It shall promulgate all regulations and orders through the superintendent of police, who shall be the head of the police force in the District, but shall always be subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said superintendent of police as the head and chief of the said force, subject to the rules and regulations and general orders of the board of police.

SEC. —. The board of police, whenever it shall see fit, shall, on the application of any person or persons, showing the necessity therefor, appoint and swear any additional number of privates or patrolmen to do duty at any designated place within said District at the charge and expense of the person by whom the application was made, and the said additional privates or patrolmen shall obey the rules and regulations of the board of police, and be subject to the orders of the superintendent of police, and conform to the general discipline and to all special regulations to which the regular police force is subject, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding such appointment, possess all the powers, privileges, and discharge all the duties of the regular patrol force, within the places respectively designated in the application for their appointment. The persons so employed as additional privates may be removed by the board of police, without previous notice, whenever the public interest, in the judgment of the board, requires such removal. If an additional private or patrolman shall witness the commission of any criminal act at any place outside of that within which he was appointed to do duty, he shall

arrest the offender and turn him over to the nearest regular policeman. All shields and emblems of the regular police force and of the additional privates shall be the property of the board; and before an additional private shall receive a shield, emblem, or any other insignia of office and authority as such private patrolman, he shall deposit with the treasurer of the board ten dollars, which money shall be returned to him upon his return to the board in good order the shield, emblem, or insignia of office, so received from the board, when his functions as an additional private shall cease, either from resignation, dismissal, or the expiration of his commission.

SEC. —. Any one of the commissioners of police or of the members of the police force, shall have power and authority to immediately arrest, without warrant, and to take into custody any person or persons who shall in his presence commit, or threaten to commit any breach of the peace or offense directly prohibited by act of Congress, or by any law or ordinance in force in the District aforesaid, and to call by-standers to his assistance; but such member shall immediately, and without delay, upon such arrest, cause such offender to be conveyed before the proper court, that he may be dealt with according to law.

SEC. —. All property or money alleged or supposed to have been feloniously obtained or taken from pawnbrokers or others, as the proceeds of crime, or which shall be lost or abandoned, or found in possession of persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, which shall be thereafter taken into the custody of any member of the Metropolitan Police force, or the police or criminal courts of the District of Columbia, shall be by such member or by order of such court, within two days from the time so taken, given into the custody of the property-clerk of said board, and all such property or money shall be registered by said clerk in a book kept for that purpose, which shall contain a minute record of the same, of the names of the persons from whom taken, or places where found, of the names of all reported claimants thereto, the date of return, and any final disposition thereof. Whenever such property or money so taken from persons arrested who may be immediately arraigned before any authorized court for trial, and which court shall be satisfied, from evidence adduced, that such person is innocent of the offense alleged, and that said property or money rightfully belongs to him, then said court shall direct the immediate delivery thereof to such innocent person, without the intermediate return to said property-clerk; or if returned by reason of a delay of such trial or examination, then the said court shall certify to whom such property or money belongs, and upon the receipt of such certificate the property-clerk shall thereupon deliver such property or money to said certified owner. If, however, any claim to the ownership of such property or money shall be made on oath before said court by or on behalf of any other person than the person arrested, and said accused person be held for trial or examination, such property or money shall be returned to and remain in the custody of the property-clerk for disposition according to law. Where any property shall be returned to the property-clerk as the proceeds of crime, whenever the same shall be shown by sufficient evidence to be necessary for the current use of the owners, and not for sale, the board of police shall have power to authorize the property-clerk to place the same in the custody of said owner upon sufficient bonds being given by said owner in the sum of twice the value thereof, conditioned for the production of the same at any time within one year, when required for use in court as evidence in any proceeding thereon. And in cases of money or goods held for sale by the owner, which may have

been returned as the proceeds of crime, the same may be delivered to the owner upon the certificate of the judge holding the criminal court, showing proof of such ownership, and that said owner has given proper security to prosecute the accused. Perishable property, the proceeds of crime, may be delivered to the owner by order of the proper court, on taking ample security for his appearance to prosecute the case. Whenever property or money placed in the custody of the property-clerk shall be lawfully required as evidence in the court, the same shall be delivered into the custody of any person or officer having the order therefor from such court; such property, however, shall not be retained, but shall be returned to the property-clerk, to be disposed of as otherwise provided by law. And in cases where the custody of such property is given to the owner as necessary for his or her use, the bond taken, with the number and street of the place of residence or business of such owner, shall be given to the person or officer bearing said order by said property-clerk.

SEC. —. The property-clerk may administer oaths and certify depositions which may be necessary to establish the ownership of any property or money lost, abandoned, or returned to him, under the direction of the board of police, other than such as may be so returned as the proceeds of crime; and upon satisfactory evidence of such ownership he shall deliver the same to said owner, his heirs and legal representatives, and to him or them only. Any property or money returned to the property-clerk as the proceeds of crime, which shall not be called for, as evidence, in any proceeding by the courts of the District within one year from the date of such return, may, unless specially claimed by the owner within that time, be thereafter treated as other unclaimed, abandoned, or lost property or money, and be disposed of as herein further provided. All property and money returned to the property-clerk as feloniously obtained, or as the proceeds of crime, if not claimed within three months from the date of trial of the accused, and all other property and money that shall remain in his custody for the period of six months, without any lawful claim being made thereto, may be sold at public auction, after being advertised in general terms three times successively, in one or more daily newspapers published in said District, and the proceeds thereof shall be paid to the treasurer for the policemen's fund: *Provided*, That horses and other animals taken and returned by the police, and remaining five days, may be sold in like manner upon five days' public notice: *And provided further*, That where ownership of such horses or animals shall be established within three months thereafter, the board of police shall have power to refund to such owner the net proceeds of said sales after payment of all expenses incident to the custody and sale thereof.

SEC. —. It shall be the duty of the proper authorities of the District of Columbia to provide, at the expense of said District, all necessary station-houses required by the board of police for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses, and the same suitably to warm, light, cleanse, and keep in repair, as required by the board. And in case the said authorities neglect or refuse to do so, after having been thereto requested by the board of police, then said board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursement thereof against the said District.

SEC. —. In every case of arrest the same shall be made known, within six hours thereafter, to the lieutenant of police on duty in the precincts

in which the arrest is made by the person making it; and it shall be the duty of the said lieutenant of police, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. And the board of police, when, in their judgment it is necessary, shall provide suitable accommodations for the detention of witnesses and prisoners who are unable to furnish security for their appearance in criminal proceedings.

SEC. —. No member of the board of police or of the police force shall receive or share in, for his own benefit, under any pretense whatever, any present or emolument for police services other than the regular salary and pay provided by this act, except by the consent of the board of police. And all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid and given for extraordinary services of any member of the police force, except such as the board may permit the recipient to retain for his own use, and all moneys arising from the sale of unclaimed property, shall constitute the policemen's fund, of which the board of police shall be the trustee, and may invest and use for the benefit of the force as they see fit; and whenever any member of the police force, in the actual discharge of his duty, shall become bodily or mentally disabled, his necessary expenses may be a charge upon the said fund, at the discretion of the said board: *Provided*, That for the meritorious and extraordinary services rendered by any member of the police force, in the due discharge of his duty, the board of police may permit such member to retain any reward, or such part thereof as may be deemed proper; and it shall be cause of removal from the force for any member thereof to receive any fee, reward, or gift, without due notice and return thereof to the board of police; and upon the receipt of such return the board may either order said member to retain the same or dispose thereof for the policemen's fund. And all fines imposed upon members of the police force by way of discipline, and collectible from pay or salary, shall be paid over, with such portions of all rewards, fees, proceeds of gifts, or emoluments as are not awarded to the recipient, to the treasurer for such investment or other disposition as the board of police shall direct.

SEC. —. The superintendent, captain, lieutenants, and detectives shall give bonds, to the satisfaction of the board of police, for the faithful performance of the duties of their respective offices; and each and every member of the police force, before entering upon the duties of his office, shall take and subscribe the official oath prescribed by law before any commissioner of police, who is hereby empowered to administer the same.

SEC. —. If the superintendent of the Metropolitan Police force, or any member thereof, shall believe that any house, room, or premises, within the District of Columbia, is kept or used as a common gaming-house, common gaming-room, or common gaming-premises for therein playing, for wagers of money or other article of value, at any game of chance, or to be kept or used as a bawdy-house, or for lewd or obscene public amusement or entertainment, or as a house of prostitution, or for purposes of prostitution, or the deposit or sale of lottery-tickets or lottery-policies, or in which to vend or offer for sale, or from which to circulate or cause to be circulated any ticket, certificate of chance, or evidence of chance in any gift-concert or enterprise or raffle, it shall be the duty of the said superintendent of the Metropolitan Police or member, to give information to the attorney of the United States for said

District, whose duty it shall be to procure a warrant, duly issued and forthwith placed in the hands of the superintendent of police, who shall authorize any member or members of the police force to enter the same, and forthwith to arrest all persons there found offending against law, and seize all implements of gaming or lottery-tickets, lottery-policies, chances, or evidence of chances, and convey any person or persons so arrested before a court of competent jurisdiction, and bring the articles so seized to the board of Metropolitan Police, and the said board are authorized to cause such articles to be destroyed; and it shall be the further duty of the superintendent to summarily close such houses or premises, and keep the same closed against such unlawful purposes as aforesaid.

SEC. —. From and after the expiration of licenses already granted to pawnbrokers, no license shall be granted to any person, as such pawnbroker, except by the board of Metropolitan Police, at a regular meeting thereof, on the recommendation of at least twenty respectable citizens of the District, certifying to the character of the applicant for honesty and integrity, and that there is need of a pawnbroker in the locality where the applicant may propose to open or keep such establishment. And said board may refuse or grant such license, as to them shall appear proper. The applicant for such license shall accompany his application with the fee of one thousand dollars, to be paid by the treasurer of the board into the treasury of the District of Columbia, if the license be granted, or returned by him to the applicant if it be refused. Said board may, for just cause shown, at any time revoke any such license. No pawnbroker shall charge more than three per centum per month for the use of money loaned by him on property pawned; and no pawn shall be sold or exposed for sale until six months after the same shall have been pawned; but any person pawning any property may demand and have the same restored to him within six months from the day of pawning the same, any time before the sale, by paying the sum advanced thereon, and an allowance of interest at the rate aforesaid, and the costs of advertisement, if any shall have been incurred. If not redeemed within six months, the same may be sold; and it shall be the duty of the pawnbroker to restore to the person pawning the same, if known to him, the excess of the proceeds of such sale over the sum loaned thereon, and the arrears of interest at the rate aforesaid, and the costs of sale. If any pawnbroker shall violate or fail to comply with any of the provisions of this section, he shall, ipso facto, forfeit his license, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred or more than five hundred dollars, and in default thereof may be imprisoned for a period not less than thirty days nor more than six months: *Provided*, That whenever such pawn or security shall be proven before the criminal court, or any court of competent jurisdiction, to be stolen, or to be the proceeds of crime, the same shall, in due form, be restored to the owner, and the broker receiving the same shall forfeit whatever sum may have been advanced thereon.

SEC. —. Hereafter, pawnbrokers, dealers in junk and second-hand articles of furniture, wearing-apparel, or other articles, shall keep a book in which shall be entered, in legibly-written English and figures, the names of all persons from whom purchases are made, or to whom money is advanced, their residences or places where they can be found, and description of color, eyes, hair, height, and general appearance, the articles purchased, and the sums paid therefor, which shall be open to the inspection of the officers of the Metropolitan Police, under order from the superintendent, whenever required; and any broker or person so dealing who shall violate any of the provisions of this section, shall

forfeit and pay to the District of Columbia the sum of fifty dollars for each and every offense, to be disposed of according to law.

SEC. —. It shall be unlawful for any person or persons keeping an ordinary, restaurant, saloon, or other place where spirituous, vinous, or fermented liquors are sold in the District of Columbia, to sell, give, or otherwise dispose of any intoxicating liquor or liquors without a license approved by the board of police; and hereafter no such license shall be considered legal by any authority or authorities having jurisdiction within said District, until the same shall have been approved by the board of police, and so certified by the secretary thereof under the official seal; and it shall be unlawful for the said Metropolitan Police board to approve any license or application for a license to allow any person or persons to sell intoxicating liquors within the District of Columbia in any ordinary, saloon, restaurant, or other place where such liquors are sold by the glass or drink, or in any quantity to be drank on the premises, who has been convicted and fined by any court of competent jurisdiction for so selling, giving away, or otherwise disposing of any intoxicating liquor between the hours of midnight on Saturday and 6 o'clock Monday morning, or on other days of the week between the hours of midnight and 6 o'clock the following morning, or for keeping any such ordinary, restaurant, saloon, or other place where intoxicating liquors are sold, open between those hours, or on election or other public days, when the board of police shall order them to be closed; for so selling, or for giving at any time to a minor, a soldier, a sailor, a marine, or to a woman of bad repute; or for riotous, noisy, or other disorderly conduct in said ordinary, saloon, restaurant, or other place where intoxicating liquors are sold; or for violating any ordinance relating to the sale of intoxicating liquors of the authorities having jurisdiction in the case, within less than one year after such conviction and fine, unless the judgment of the said court in the case should be reversed by the court of the District of Columbia having jurisdiction, as hereinafter provided, except it be shown that said violation of law was without the knowledge and consent of the proprietor of the premises; and it shall be unlawful for the said board to approve a license to keep a bar in any grocery store.

SEC. —. Every person legally licensed to keep an ordinary, saloon, restaurant, or other place where intoxicating liquors are sold, upon conviction before a court of competent jurisdiction of either of the offenses named in the preceding section, and every person convicted of selling, giving away, or otherwise disposing of any intoxicating liquors without a license, shall, upon such conviction, pay a fine of fifty dollars, which shall be paid before the person fined shall be released from custody, or security given for its payment satisfactory to the court imposing the fine; and in default of such payment or of furnishing such security, the court shall commit the person so fined to the United States jail in this District till the fine is paid or such security for payment is furnished, or until he is discharged by order of the supreme court of the District of Columbia. If any person convicted of selling or giving away, or otherwise disposing of intoxicating liquors without license or otherwise contrary to law, shall consider himself unjustly convicted, he may, by previously paying all costs and the clerk's fees for docketing the case, and giving security satisfactory to the court for the payment of the costs of court, as well as the fine imposed, appeal to the criminal court of the District of Columbia. If the judgment of the court below shall be reversed, it shall be lawful for the police board, in its discretion, to permit the person whose conviction is so reversed to sell until the expiration of the license under which he was selling at the

time of such conviction, unless he should be convicted of subsequent offenses against law.

SEC. —. Every person receiving a license to sell as aforesaid shall have it framed and hung in a conspicuous place in his ordinary, saloon, restaurant, or other place where he is licensed to sell as aforesaid, and keep it so framed and hung as long as the license continues in force, under penalty of forfeiture of license. And it shall be the duty of the police force to withhold its approval of any license, or application for a license, if it shall be deemed best for the public interest, and to summarily close any place where intoxicating liquors are sold, given away, or otherwise disposed of without a legal license, or which shall have been licensed, when the public health or peace or welfare, in the judgment of the board, requires it.

SEC. —. In all cases, other than those relating to liquor licenses, where a person shall be sentenced to pay a fine and costs, or either, the court before whom such person is tried shall commit the offender to the work-house, for a term not exceeding ninety days, unless such fine and costs be satisfied by payment or giving satisfactory security.

SEC. —. The board of Metropolitan Police in the District of Columbia, or any member thereof, the superintendent, or any of the sergeants of said police in said District, having notice of any riotous assembly, shall command such assembly to disperse, and for the purpose of enforcing such command, may call to his or their assistance all citizens present, and require them to aid in dispersing and suppressing said assembly.

SEC. —. If either of the officers mentioned in the preceding section, having notice of such riotous or unlawful assembly within the limit of his authority, shall fail to exercise the powers with which he is invested by this chapter, he shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars.

SEC. —. If the police, with the aid of the citizens who shall obey such summons as aforesaid, shall be insufficient to suppress the said riotous or unlawful assembly, the said officers, respectively, upon due proof thereof, may require the aid of the volunteer force and militia of this District to suppress the same: *Provided*, That if the said riotous or unlawful assembly be so great, or the danger therefrom be so imminent, that it would be unsafe to attempt its suppression by the civil powers, the said officers, respectively, may at once, on satisfactory proof thereof, call for military aid.

SEC. —. The application for the military aid, as provided in the preceding section, may be made to the President of the United States, or to the major-general, or other officer commanding the militia of this District; and if the President shall see fit, on due proof of the insufficiency or the inefficiency of the civil power and the volunteer or militia forces of said District to suppress such assembly, he may order so much and such parts of the regular forces of the United States to aid therein as he may deem expedient.

SEC. —. Whenever the military force is so ordered out in aid of the civil authorities, the officer in command shall be directed to report himself to, and act under the direction of, the board of Metropolitan Police.

SEC. —. If, by any means taken under authority of this code and its provisions to suppress any such assembly, or arrest and secure those engaged in it, any person present, as spectator or otherwise, be killed or wounded, every one assisting to suppress the riot shall be held guiltless, and fully justified in law, civilly and criminally; but if any person acting under orders or direction given for the purpose of such suppression shall be killed or wounded, all persons so unlawfully or riotously assembled shall be answerable therefor.

TITLE II.—OF CRIMES AND PUNISHMENTS.

CHAPTER I.—OFFENSES AGAINST THE SOVEREIGNTY OF THE UNITED STATES.

1. Treason and misprision of treason against the Government of the United States, as defined by the Constitution and laws thereof, shall be proved and punished as therein prescribed; and all persons participating therein, whether present or absent, shall be held to be principals and indicted and tried as such.

CHAPTER II.—OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

1. The killing of a master by a servant, or of a husband by his wife, shall not be deemed any greater offense than if the killing had been done by any other person.

2. Every person who shall commit the crime of murder with express malice aforethought, or in perpetrating or attempting to perpetrate the crime of rape, burglary, robbery, or arson, shall be deemed guilty of murder of the first degree, and of felony, and shall suffer death.

3. Every person who shall commit the crime of murder otherwise than is set forth in the next preceding section, shall be deemed guilty of murder of the second degree, and of felony, and shall be fined at the discretion of the court, and imprisoned in the penitentiary at hard labor for life.

4. If any person shall, within the limits of the District of Columbia, willfully and maliciously wound or poison another who shall, within one year thereafter, die of such wounding or poisoning, at any place either in or out of said District, he shall be deemed guilty of murder, within said District, of the first or of the second degree, according as the circumstances of the case shall fall within the provisions of the third or fourth of the preceding sections, and of felony, and shall be punished accordingly.

5. Every person who shall commit the crime of manslaughter, except it be manslaughter by a husband of a person found in the act of adultery with his wife, shall be deemed guilty of manslaughter of the first degree and of felony, and shall be fined not less than five hundred nor more than five thousand dollars, and shall be imprisoned in the penitentiary for a term not less than one nor more than five years. But if the manslaughter of which the party be convicted shall have been committed by a husband upon a person found in the act of adultery with his wife, and it be so found by the jury, he shall be deemed guilty of manslaughter of the second degree and of misdemeanor only, and shall be fined not less than one hundred nor more than one thousand dollars, and may also, at the discretion of the court, be imprisoned in the penitentiary for a term not exceeding one year. If a person be stricken, poisoned, or wounded, in the District of Columbia, and within one year thereafter shall die of the stroke, poison, or wound, either within or

without the limits of the said District, and the circumstances be such as to constitute the crime of manslaughter or murder of either degree, the offender may be indicted, tried, convicted, and punished in the same manner as if such death had happened immediately and within the limits of said District.

6. Upon the trial of an indictment for murder, the jury, if they find the defendant guilty, shall also inquire and determine by their verdict whether he be guilty of murder of the first or of the second degree; the degree of manslaughter shall in like manner be determined. But if the defendant be convicted upon his own confession in open court, the degree of guilt shall be determined by the court, after hearing the statement of the defendant, under oath, and examining the witnesses; and the court shall award sentence accordingly. If, upon a trial of murder of the first degree, the jury shall be of the opinion that the defendant is not guilty of murder of the first degree, they may render a verdict of guilty of murder of the second degree, or of either degree of manslaughter, according to their belief from all the evidence of the case; or if upon a trial for murder of the second degree, the jury shall be of the opinion that the offense is of a lower grade of homicide, they may render a verdict accordingly; or if the indictment charge manslaughter of the first degree, the jury, if the evidence shall warrant it, may find a verdict of manslaughter of the second degree.

7. If any person shall with violence assault another, with intent to commit murder, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than five thousand dollars, and shall be imprisoned for a term not exceeding five years in the penitentiary.

8. If any person shall willfully and maliciously administer to another, or cause another to take, any deadly poison or noxious and destructive substance, with intent to commit murder, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than five thousand dollars, and shall be imprisoned for a term not exceeding seven years in the penitentiary.

8. If any person shall, maliciously, and by lying in wait, deprive another of a genital member, or shall cut out or disable the tongue, or put out an eye, or slit, cut, or bite off the nose, lip, or ear of another, or maim him in any manner, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than two thousand dollars, and shall be imprisoned not less than one nor more than seven years in the penitentiary.

9. If any person shall unlawfully, without lying in wait, maim another, as in the next preceding section, he shall be guilty of a misdemeanor only, and shall be fined not exceeding five hundred dollars and be imprisoned for a term not to exceed one year in the common jail.

10. If any person shall commit the crime of rape, he shall be deemed guilty of felony, and shall suffer imprisonment in the penitentiary for a period not less than ten nor more than twenty years.

11. If any person shall, with violence, assault any female with intent to commit a rape, or if any person shall have carnal knowledge of a female child under twelve years of age, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than two thousand dollars, and be imprisoned in the penitentiary not less than one year nor more than seven years. In prosecutions for rape or for the carnal knowledge of a female child under twelve years of age, the carnal knowledge shall be deemed complete upon proof of an actual penetration.

12. Any person who shall wilfully and maliciously have carnal knowledge of a married woman without her consent, under the semblance of or pretending to be, her husband, shall be punished as in case of rape.

13. If any male person sixteen years of age, or upwards shall have carnal knowledge of any insane woman, other than his wife, knowing her to be insane, he shall, upon conviction thereof, be imprisoned in the penitentiary not less than two nor more than ten years.

14. If any person shall seduce an unmarried woman under the age of twenty-one years, of previous chaste character, he shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred nor more than two thousand dollars, and imprisoned in the common jail not less than three nor more than twelve months, or either, at the discretion of the court. If the woman be under seventeen years of age the crime shall be deemed felony and be punished by fine not less than five hundred dollars nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one year nor more than five years. If there shall be a child born the fruit of such seduction, the court may, in its discretion, apply the fine when collected to the maintenanance of said child. The party seduced shall be a competent witness; and her general reputation for chastity shall be *prima facie* evidence of previous chaste character.

15. Any person who shall inveigle, entice, or take away an unmarried female, other than a common prostitute, under the age of twenty-one years, from her father's house or elsewhere, for the purpose of prostitution at a house of ill-fame, assignation, or elsewhere, and every person who shall aid or assist in such abduction, shall be deemed guilty of felony and be imprisoned in the penitentiary not less than one nor more than five years, or fined not less than one nor more than five thousand dollars, or both, in the discretion of the court.

16. Any person who shall take a female under the age of fourteen years from her father, mother, guardian, or other persons having the legal charge of her person, without his or her consent, for the purpose of marriage, shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished by imprisonment in the common jail not more than one year, and fined not less than one nor more than two thousand dollars, or both, in the discretion of the court.

17. If any person shall kidnap another and carry him out of the District of Columbia, or shall take and imprison another with intent to kidnap and carry him out of said District, or shall fraudulently seduce and decoy another from said District into any State, Territory, or country, with intent that he shall be sold or held as a slave or servant, or for any other purpose, or shall aid or assist another in committing such offense, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than two thousand dollars, and imprisoned in the penitentiary not less than one year nor more than three years: *Provided*, That nothing in this section contained shall be construed to prevent persons from procuring homes for indigent persons in any of the States or Territories of the United States, or the binding of children as apprentices or servants under the same terms which may be applicable in said States or Territories, respectively, to the binding of children under the age of twenty-one years for males, and eighteen for females, if the procuring of such homes or binding be done in good faith.

18. If any person shall take from the person of another, by violence or by putting in fear, any money or other property or thing which may be the subject of larceny, he shall be deemed guilty of robbery and felony,

and shall be fined not less than one hundred nor more than one thousand dollars, and imprisoned in the penitentiary for a term not to exceed three years. For the second offense he may be fined not exceeding two thousand dollars, and imprisoned not exceeding seven years.

19. If any person shall with violence assault another with intent to commit robbery, he shall be deemed guilty of felony, and shall be fined not exceeding five hundred dollars, and imprisoned in the penitentiary for a term not to exceed two years.

20. If any person shall willfully and maliciously, by means of any instrument or instruments, or any other means whatever, cause any pregnant woman to miscarry, or shall procure or attempt to procure such miscarriage, the person so offending shall be deemed guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for a period not less than two nor more than ten years.

21. Any person who shall, in the attempt to produce the miscarriage of a pregnant woman, thereby cause and produce the death of such woman, shall be deemed guilty of murder of the second degree, and shall be punished accordingly.

22. Any person who shall knowingly advertise, print, publish, distribute, or circulate, or knowingly cause to be advertised, printed, published, distributed, or circulated, any pamphlet, printed paper, book, newspaper notice, advertisement, or reference containing words or language, giving or conveying any notice, hint, or reference to any person, or to the name of any person, real or fictitious, from whom; or to any place, house, shop, or office, at which any poison, drug, mixture, preparation, medicine, or noxious thing, or any instrument or means whatever, for the purpose of abortion, may be obtained, or who shall knowingly sell, or cause to be sold any such poison, drug, mixture, preparation, medicine, or noxious thing, or instrument of any kind whatever, knowing the same is to be used for that purpose, or shall by any of the means aforesaid give information as to where any advice, direction, information, or knowledge may be obtained for the purpose of causing the miscarriage or abortion of any woman pregnant with child, at any period of her pregnancy, or shall knowingly sell or cause to be sold any medicine, or who shall knowingly use or cause to be used any means whatever for that purpose, shall be deemed guilty of felony, punished by imprisonment in the penitentiary for not less than three years nor more than ten years, or by a fine of not less than five hundred nor more than one thousand dollars, or both, in the discretion of the court.

23. The provisions of the three foregoing sections shall not apply to any person who may procure or attempt to procure a miscarriage bona fide to save the life of the mother.

24. If any person shall, by a written or verbal message, challenge another to fight a duel, or shall accept a challenge to fight a duel, with any deadly weapon, or shall knowingly bear or deliver such challenge, or shall be engaged in or fight such duel, or shall aid or second either party in such duel, whether the same shall be fought or not, or shall encourage, advise, or abet the fighting of such duel, or shall leave the District of Columbia with the intent to engage in a duel, either as principal or second, he shall be deemed guilty of felony, and shall be fined one thousand dollars and imprisoned in the penitentiary not exceeding one year, and shall be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States or of the District of Columbia.

25. If any person shall knowingly and willfully send or deliver to another any letter or writing, with or without a name or signature sub-

scribed thereto, or with a fictitious name or signature signed thereto, threatening to kill or murder him or any third person, or to burn or destroy the property of another, or to accuse him of any crime for the purpose of thereby extorting money or other thing of value, or shall counsel, procure, aid, or abet the commission of said offense, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding five hundred dollars, and imprisoned not exceeding six months in the common jail.

26. If any person shall assault or beat another, or cause him to be assaulted or beaten, within the District of Columbia, for not fighting a duel with a deadly instrument, or for not sending or accepting a challenge to fight such duel, or shall post another, or in writing or in print use any contemptuous or reproachful language to or concerning another for not fighting such duel, he shall be confined in jail not more than one year, and be fined not exceeding five hundred dollars.

27. Any person offending against the foregoing provisions may be a competent witness against other offenders, and may be compelled to testify; but the person so testifying shall not be held to answer criminally touching anything to which he may be examined.

28. If any justice of the supreme court of the District of Columbia, or judge of the police court, shall have good cause to suspect, upon affidavit, that any persons are about to be engaged in a duel, he may issue his warrant to bring them before him, and bind them over to keep the peace.

29. It shall be a misdemeanor, punishable by imprisonment in the common jail not exceeding one year, or by a fine not exceeding five hundred dollars, for any person, without justifiable cause, to use personal violence upon any member of the police board or of the police force in the discharge of duty, or of any member of the force, to neglect making any arrest for any offense against the laws of the United States or of the District of Columbia committed in his presence, or for any person not a member of the police force to falsely represent himself as being a member with a fraudulent design.

30. If any person shall assault another with intent to commit any felony, the punishment of which assault is not hereinbefore prescribed, he shall be punished by imprisonment in the penitentiary not less than one nor more than ten years. If any person shall unlawfully assault or threaten another in a menacing manner, or shall unlawfully strike or wound another, the person so offending shall, upon conviction thereof, be confined in the common jail not less than ten days nor more than twelve months, or be fined not exceeding five hundred dollars, or be both fined and imprisoned as aforesaid, at the discretion of the court.

31. If any person shall, without good reason, carry about his person, concealed from common observation, any pistol, dirk, slung-shot, razor, bowie-knife, or other weapon of like kind, he shall be fined not exceeding fifty dollars for the first offense, and for any other like offense imprisonment in jail not over six months may be imposed in addition to said fine.

32. Every person who shall violently take or keep possession of lands with menaces, force, and arms, and without authority of law, shall be deemed guilty of forcible entry or forcible detainer, as the case may be, and be punished by confinement in jail not more than one year, or fine not exceeding five hundred dollars, or, in the discretion of the court, by both fine and imprisonment, as aforesaid.

33. Any person who shall engage in a riot, rout, unlawful assembly, or affray, shall, upon conviction thereof, be fined not exceeding five

hundred dollars, or imprisoned in the common jail not exceeding one year, or both, at the discretion of the court.

34. If any rioter, or person unlawfully assembled, shall pull down, in whole or in part, any dwelling-house, or assist therein, he shall be punished by fine not exceeding one thousand dollars and confinement in the county jail not more than one year.

35. Every person who shall in any manner disguise himself, with intent to obstruct the due execution of the law, or with intent to intimidate, hinder, or interrupt any officer or any other person in the legal performance of his duty, or the exercise of his rights, shall, whether such intent be executed or not, be punished by confinement in the county jail not over one year and a fine not exceeding three hundred dollars. Such offender may also be bound over for good behavior for the term of one year after the expiration of such confinement.

36. If any person having knowledge of the commission of an offense shall take any money, or reward, or engagement therefor, upon an agreement, express or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence therefor, he shall, if the same be a felony, be punished by confinement in the county jail not over one year and fine not exceeding five hundred dollars, and if such offense be other than a felony, by confinement, as aforesaid, not over six months, and fine not exceeding one hundred dollars.

CHAPTER II.—OF OFFENSES AGAINST PUBLIC JUSTICE.

SEC. —. Every person who shall give, offer, or promise to any juror or officer, executive, legislative, or judicial, holding an office under or by virtue of the laws of this District, after his election or appointment, and either before or after he shall have qualified or taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment in any matter, question, cause, or proceeding then pending, or which may by law be brought before him, in his official capacity, shall be punished by imprisonment in the penitentiary not less than two nor more than ten years, and by fine not exceeding one thousand dollars.

SEC. —. Every such officer who shall corruptly accept any gift or gratuity, or any promise to make any gift, or to do any other act beneficial to such officer, under an agreement, or with an understanding, that his vote, opinion, or judgment shall be given in any particular manner, or upon a particular side of any question, cause, or proceeding which is, or may be, by law, brought before him in his official capacity, shall be punished by imprisonment in the penitentiary not less than two nor more than ten years, and by fine not exceeding five thousand dollars. Such officer shall also, on conviction, forfeit his office, and be forever thereafter disqualified from holding any public office, trust, or appointment existing under the laws of this District.

SEC. —. Every person who shall corrupt, or attempt to corrupt, any other person drawn or summoned as a juror, appointed a referee, or chosen an arbitrator or umpire, by giving, offering, or promising any gift or gratuity whatever, with intent to bias the mind of such juror, referee, or arbitrator, or umpire, in relation to any cause or matter which may be pending in the court or inquest to which such juror shall have been summoned, or for the decision of which such referee, or arbitrator, or umpire shall have been chosen or appointed, shall be punished by

imprisonment in the penitentiary not less than one nor more than five years, or in the discretion of the court, by confinement in the county jail not exceeding two years, and fine not exceeding one thousand dollars.

SEC. —. If any person drawn or summoned as a juror, or if any person chosen or appointed as a referee, arbitrator, or umpire, shall take anything to give his verdict, award, or report, or shall, while in the discharge of his duties, receive any gratuity or gift whatever from any party to any suit, proceeding, or prosecution for the trial of which such person shall have been drawn or summoned, or for the hearing of which he shall have been chosen or appointed referee, arbitrator, or umpire, he shall be punished by imprisonment in the penitentiary not less than one nor more than five years, or, in the discretion of the court, by confinement in the county jail not exceeding two years, and fine not exceeding one thousand dollars.

SEC. —. If any jailer, or other officer shall, voluntarily, suffer any prisoner in his custody, upon conviction, or upon any criminal charge, to escape, he shall be fined and imprisoned in the penitentiary from one to twenty years, in the discretion of the court, not to exceed, in any case, the punishment to which the prisoner was sentenced, or that he would be liable to suffer, upon conviction, for the offense wherewith he he stood charged or convicted.

SEC. —. If any jailer, or other officer shall, through negligence, suffer any prisoner in his custody, upon conviction, or upon any criminal charge, to escape, he shall be punished by confinement in jail not more than one year, and by fine not to exceed five hundred dollars.

SEC. — Every person who shall forcibly rescue any prisoner held in custody upon conviction or charge of any offense, shall be punished by fine not less than one hundred or more than one thousand dollars, and imprisoned in the common jail or the penitentiary at the discretion of the court not exceeding two years.

SEC. —. Every person who shall convey into the penitentiary, jail, or other place of confinement, any disguise, instrument, weapon, or other thing proper or useful to aid any prisoner in his escape, with intent thereby to facilitate the escape of any prisoner there lawfully committed or detained for or on a charge of any felony or misdemeanor, or shall by any means whatever aid or assist any person so detained in his endeavors to escape therefrom, whether such escape be effected, or attempted or not, shall be punished by imprisonment in the common jail or penitentiary not less than one nor more than ten years.

SEC. —. If any marshal, coroner, jailer, or other officer shall willfully and coruptly refuse to execute any lawful process directed to him, requiring the apprehension or confinement of any person charged with or convicted of a criminal offense, or shall corruptly and willfully omit to execute such process, by which such person shall escape, he shall be punished by confinement in the penitentiary not over five years and a fine not exceeding one thousand dollars.

SEC. —. If any person being required by the marshal, coroner, or other officer shall neglect or refuse to assist him in the execution of his office in any criminal case, or in the preservation of the peace, or in apprehending or securing any person for a breach of the peace, or in any case of escape or rescue, he shall be punished by confinement in jail not more than six months and a fine not exceeding one hundred dollars, or either, in the discretion of the court.

SEC. —. If any officer elected or appointed by virtue of a law of this District shall loan out, with or without interest or return, any money or

valuable security received by him, or which may be in his possession or under his control by virtue of his office, he shall upon conviction be fined not exceeding one thousand dollars, and shall, moreover, be adjudged to have forfeited his office, and be incapable afterward for the space of five years of holding any office under the laws of this District.

SEC. —. Every person who, having taken a lawful oath, or made affirmation in any judicial proceeding or in any other matter where by law an oath or affirmation is required, shall swear or affirm willfully, corruptly, and falsely, in a matter material to the issue or point in question, or who shall suborn any other person to swear or affirm as aforesaid, shall be deemed guilty of felony and of perjury or subornation of perjury, as the case may be, and upon conviction thereof, shall be punished by confinement in the penitentiary for a term not exceeding five years and by a fine of not more than two thousand dollars.

SEC. —. If any person shall maliciously, and without probable cause, procure or attempt to procure any indictment to be found, information laid, or other prosecution, for any felony, or misdemeanor, to be commenced against another, or if two or more shall conspire together for any such purpose, the person so sought to be indicted or otherwise prosecuted being innocent, such person so offending shall be punished by imprisonment in jail not over one year, or fine not exceeding five hundred dollars.

SEC. —. Every person who shall frequently excite quarrels or lawsuits among the citizens of this District shall be deemed a common barrator, and, upon conviction, be punished by confinement in jail not more than six months, or a fine not exceeding two hundred dollars.

SEC. —. If any judge, commissioner, or clerk of an election held in pursuance of law, shall attempt to induce, by persuasion, menace, or reward, or promise thereof, any voter to vote for a person, or if any such officer shall open or mark by folding or otherwise, any ticket presented by such voter, or attempt to find out the names thereon, or suffer the same to be done by any other person, before the ticket is deposited in the ballot-box, every such offender shall be deemed guilty of a misdemeanor.

SEC. —. If any person not having the legal qualifications of a voter at an election authorized by law shall vote thereat, or if any person shall vote or attempt to vote more than once at such election, or shall knowingly hand in two or more tickets together, every such offender shall be deemed guilty of a misdemeanor, and be fined not exceeding two hundred dollars or imprisoned in the common jail not exceeding six months.

SEC. —. If any person shall, at any election held pursuant to law, or previous thereto, use any menaces, threats, force, or any corrupt means, toward any voter, to hinder or deter him from voting at all, or from voting for any ticket or candidate, or shall on the day of election give any public treat, or authorize another to do so, to obtain votes, every one so offending shall be deemed guilty of a misdemeanor, and suffer the punishment provided in the preceding section.

SEC. —. If any manager, proprietor, superintendent, operator, servant, or messenger of a telegraph company shall disclose the contents of a dispatch or message received at or sent from any office of such company, except to a court of justice or to an officer of the law, or other person duly authorized to know the same, he shall, on conviction, be imprisoned in jail not more than six months, or fined not exceeding five hundred dollars.

SEC. —. If any person shall, willfully and without lawful authority, open and read, or cause to be read, any sealed letter not addressed to

him, he shall be punished by confinement in jail not more than six months, or by fine not exceeding two hundred dollars.

SEC. —. Whoever shall maliciously publish the contents of such letter in whole or in part, without the authority of the writer thereof, or of the person to whom the same shall be addressed, knowing the same to have been so opened, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished as prescribed in the preceding section.

The two preceding sections shall not extend to any cases which shall be punishable by the laws of the United States, of general applicability.

SEC. —. If any person shall write, publish, or print any libel of or concerning another, or shall cause or procure any such libel to be written, printed, or published, he shall, upon conviction thereof, be confined in the jail not more than one year, or fined not exceeding one thousand dollars.

CHAPTER III.—OFFENSES AGAINST MORALITY AND DECENCY.

SEC. —. Every person who shall commit the crime of adultery shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.

SEC. —. If any person who has a husband or wife living shall marry another person in this District, or having married such other person elsewhere shall cohabit with such other person in this District, he or she shall, except in the cases mentioned in the following section, be deemed guilty of the crime of bigamy, and shall be punished by imprisonment in the penitentiary not less than two nor more than ten years.

SEC. —. The provisions of the preceding section shall not extend to the following cases or persons:

1. To any person by reason of any former marriage, whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living.

SEC. —. If the father or mother of any child under the age of ten years, or any other person to whom such child shall have been confided, shall expose such child in any highway, street, field, house, or out-house, or other place with intent wholly to abandon it, or shall by any means whatever attempt to abandon such child, he or she shall, upon conviction, be imprisoned in jail not more than twelve months and fined not exceeding one hundred dollars.

SEC. —. If any person shall import, print, publish, sell, or distribute in this District any book, or any pamphlet, ballad, or printed paper, or other thing containing obscene language or obscene prints, pictures, figures, or descriptions, manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purposes of sale, exhibition, loan, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be punished by imprisonment in the penitentiary not more than five years, or confinement in jail not more than one year, and a fine not exceeding one thousand dollars.

The police court may issue a search-warrant upon cause shown by affidavit, for the purpose of searching for any such obscene books, pamphlets, ballads, printed papers, or other things mentioned in the preceding section, in the manner provided for issuing search-warrants in cases of stolen property; and all such things found by any officer shall

be delivered to the property clerk to be kept for use as evidence on the trial; after which they shall be burned by said clerk.

SEC. —. Whoever shall commit the crime against nature shall be deemed guilty of felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than two nor more than ten years.

SEC. —. The crime against nature shall be deemed to have been committed whenever any human being shall have had carnal connection with any animal; or with any human being otherwise than by the natural entry of the male into the female organs of generation; and in case the crime is committed between two human beings each shall be treated as a principal and be equally liable to punishment.

SEC. —. All persons being within the degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, shall be punished by imprisonment in the penitentiary not exceeding two years.

SEC. —. Every person who shall expose his or her person in an indecent manner, or for an indecent purpose, or shall be guilty of any other like indecency, shall, upon conviction, be punished by imprisonment in jail not over six months or fine not exceeding one hundred dollars, or by both fine and imprisonment as aforesaid, at the discretion of the court.

SEC. —. If any person shall, without the consent of the near relatives of a deceased person, or without the consent of such deceased person being had in his or her life-time, or the direction of the coroner, wilfully dig up, disinter, remove, or convey away any human body or the remains thereof, or shall knowingly aid in such disinterment, removal, or conveying away, every such offender, and every person accessory thereto, either before or after the fact, shall be punished by imprisonment in the jail not more than one year.

SEC. —. Every person who shall keep a house of ill-fame, resorted to for the purpose of prostitution or lewdness, and every person who shall knowingly let a house to be so kept, shall be punished by fine not exceeding one thousand dollars, in the discretion of the court, or imprisoned six months in the jail.

SEC. —. If any person shall keep a faro-bank, sweat-cloth, roulette table, or gaming table, or gaming establishment, or device, for common gaming purposes, he shall be deemed guilty of a misdemeanor and shall be fined not less than one thousand nor more than five thousand dollars, and shall be imprisoned not less than two months nor more than six months.

Every kind of table at which any game of chance shall be played for money or other things of value shall be deemed a gaming table: *Provided*, That it may be lawful to keep billiard tables, bagatelle tables, and Jenny Lind tables.

Every person offending against this section may be compelled to testify against any other person so offending; but the testimony so given shall not be used in any prosecution, civil or criminal, against the person so testifying.

SEC. —. If any person shall keep any office or place of business for the sale of lottery-tickets, or of any share or interest therein, or shall sell or offer for sale such tickets or shares, or shall deal in lottery-policies, gift-enterprize, or shall advertise or publish any lottery-scheme or gift-enterprize, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars for every such offense; and may, for a second offense, be imprisoned not exceeding six months.

SEC. —. If the owner, tenant, or occupant of any house or other place, shall knowingly permit any gaming-table to be kept therein, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one thousand nor more than three thousand dollars, or be imprisoned in the common jail for a period not more than six months, or both, in the discretion of the court.

SEC. —. Any person who shall at any time hereafter appear, act, or behave as master or mistress, or as the person having the care, government, or management of any gaming-house or bawdy-house, shall be deemed and taken to be the keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he shall not in fact be the real owner or keeper thereof.

SEC. —. If any man shall commit fornication with any single woman, and she shall become pregnant thereby, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding five hundred dollars; which fine, when collected, shall be appropriated by order of court, from time to time, for the lying-in expenses of the mother, and the support of the child. The mother and the accused shall in all cases of fornication and bastardy be competent witnesses; and it may be a part of the sentence of the court that the party convicted shall be committed to the custody of the marshal of the District until the fine and costs shall have been paid.

CHAPTER IV.—OF OFFENSES AGAINST PRIVATE PROPERTY.

SECTION —. If any person shall willfully and maliciously burn or set on fire any dwelling-house of another, he shall be deemed guilty of arson and of felony; and for the first offense shall be fined not less than five hundred dollars nor more than two thousand dollars, and be imprisoned in the penitentiary not less than three nor more than ten years. For the second offense he shall be fined three thousand dollars, and imprisoned in the penitentiary for life.

SEC. —. If any person shall willfully and maliciously burn or set on fire any store, warehouse, office, or shop, barn or stable, out-house, or any other building of another, having goods and chattels, hay, grain, flour, or tobacco therein, or being empty, although the same shall not be adjoining any dwelling; or shall willfully and maliciously burn or set on fire any public building belonging to the United States or to the District of Columbia, or any church, meeting-house, or other building for public worship, or any bridge or trestle-work belonging to any corporate body or voluntary society, or any college, academy, school-house, library, or theater, or any house erected or used as a place of public amusement, or any ship or vessel afloat or being built, being the property of another, he shall be deemed guilty of felony, and be fined not exceeding five hundred dollars, and imprisoned in the penitentiary for a term not less than one nor more than seven years; and for a second offense he shall be fined not exceeding one thousand dollars, and imprisoned for the period of ten years in the penitentiary.

SEC. —. If any person, being the owner or tenant of any house or other building, or the owner, master, or other officer of any ship or vessel, shall willfully burn the same, with intent thereby to defraud or injure another person, or to defraud or prejudice any corporation that shall have underwritten any policy of insurance thereon, or on any goods, wares, or merchandise contained therein, he shall be deemed guilty of felony, and fined a sum equal to twofold the value of the

property destroyed, and imprisoned in the penitentiary for a term not less than one nor more than five years.

SEC. —. If any person shall willfully and maliciously burn or set on fire any wheat or other grain, hay or straw, fodder, corn-husks, boards, shingles, or other lumber, timber standing in the woods or fence, oil, coals, or cord-wood of another, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned in the county jail not exceeding one year. And if the fire so set to such wheat, grain, or other property, in this or either of the preceding sections mentioned, shall spread, the person setting the same on fire shall be deemed guilty of burning and setting on fire every dwelling-house, ship, vessel, building, or other property to which such fire shall extend, and of felony, and shall be punished accordingly.

SEC. —. If any person shall willfully and maliciously attempt to set on fire any dwelling-house or other building, or ship, vessel, wheat, grain, hay, straw, fodder, corn-husks, boards, shingles, or other lumber, timber standing in the woods, or fence, oil, coals, or cord-wood of another, he shall be deemed guilty of misdemeanor, and shall be fined not exceeding one thousand dollars, and imprisoned not exceeding one year in the common jail.

SEC. —. If any person shall, in the night-time, break and enter into the dwelling of another, with intent to commit, murder, rape, robbery, arson, grand or petit larceny, whether such intent be executed or not, he shall be deemed guilty of burglary and felony, and shall be fined not less than five hundred nor more than three thousand dollars and imprisoned in the penitentiary not less than three nor more than fifteen years.

SEC. —. If any person shall, in the night-time, break and enter into the dwelling of another, with intent to commit any offense other than murder, rape, robbery, arson, grand or petit larceny, whether such intent be executed or not, he shall be deemed guilty of felony, and shall be fined not less than two hundred nor more than two thousand dollars, and imprisoned in the penitentiary for a term not exceeding five years.

SEC. —. If any person shall in the day or night break or enter into any house, office, or building wherein public records are kept, with intent to purloin, alter, obliterate, deface, destroy, or injure any such record, whether such intent be executed or not, he shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than three thousand dollars, and imprisoned not less than two nor exceeding five years in the penitentiary.

SEC. —. If any person shall, in the day-time, break and enter into the dwelling of another, with intent to commit any crime deemed by law a felony or petty larceny; or if any person shall enter into the dwelling of another, by day or by night, without breaking the same, with intent to commit any felony or petty larceny; or if any person, being in the dwelling of another, shall commit any felony or petty larceny, and shall in the night-time break the said dwelling to get out of the same; or if any person shall, in the night-time, break and enter into any warehouse, store, office, shop, mill, pottery, slaughter-house, church, school-house, meeting-house, or freight or passenger railroad-car, stable, or other out-house of another, wherein any goods, money, or other thing, being the subject of larceny, is kept or deposited, with intent to commit grand or petty larceny, whether in either case the intent be executed or not, he shall be deemed guilty of felony, and shall be fined not exceeding five hundred dollars, and imprisoned in the penitentiary for a period not less than two nor exceeding five years.

Any house, store, or other building, or water-craft, in which one or more persons usually sleep, shall, for the purposes of this chapter, be deemed a dwelling-house.

SEC. —. Every person who shall falsely make, alter, forge, or counterfeit, or who shall willingly aid or assist in falsely making, altering, forging or counterfeiting, or cause or procure to be falsely made, altered, forged, or counterfeited any instrument, whether written or printed, or partly written and partly printed, to the prejudice of the right of another person, or of any body politic or corporate, or of any firm or voluntary association, with intent to defraud; or who shall pass, utter, or publish as true, or attempt to pass, utter, or publish as true, any such falsely made, altered, forged, or counterfeited instrument, to the prejudice of the right of another person, or of any body politic or corporate, or any firm or voluntary association, knowing the same to have been falsely made, altered, forged, or counterfeited with intent to defraud, shall be deemed guilty of felony, and shall be fined not less than five hundred nor more than three thousand dollars, and imprisoned not less than one nor more than five years in the penitentiary; and for the second offense shall be imprisoned in the penitentiary not less than three nor more than seven years, and fined not exceeding five thousand dollars.

SEC. —. If any person shall, within the District of Columbia, make or engrave, or willingly aid or assist in making or engraving, or cause or procure to be made or engraved, any plate, implement, or material, for the purpose of falsely making, altering, forging, or counterfeiting any instrument in the preceding section mentioned, or shall knowingly have in possession any such plate, implement, or material, with intent that the same shall be used for the purpose aforesaid, or shall have in possession any such instrument unfinished, with intent fraudulently to fill up and complete the same, or to permit the same to be fraudulently filled up or completed, he shall be deemed guilty of felony, and shall be fined not exceeding five thousand dollars, and imprisoned in the penitentiary for a term not to exceed seven years.

SEC. —. The total erasure, obliteration, or destruction, with a fraudulent intent, of any instrument, by which any pecuniary obligation, or any right, interest, or claim to property shall be created, increased, diminished, destroyed, or otherwise affected, or intended so to be, shall be deemed forgery.

SEC. —. When different parts of several genuine instruments shall be so placed or connected together as to produce one or more instruments with intent to defraud, the same shall be deemed forgery, and be punished accordingly.

SEC. —. If any person shall make, utter, or put in circulation any note or bill, purporting to be the note or bill of a bank, company, or association, which never did in fact exist, such person, knowing, at the time of uttering or putting in circulation any such note or bill, that the bank, company, or association, purporting to have issued the same, never did exist, he shall be deemed guilty of forgery, and be punished accordingly.

SEC. —. If any fictitious or pretended signature, purporting to be the signature of an agent or officer of any corporation, shall be fraudulently affixed to any instrument of writing, purporting to be a note, draft, or other evidence of debt, issued by such corporation, with intent to pass the same as true, it shall be deemed a forgery, though no such person may ever have been an officer or agent of such corporation nor ever have existed.

SEC. —. If any person shall steal, take and carry away any horse, mare, gelding, colt, ass, or mule, or any bull, ox, steer, milch cow, heifer, sheep, or swine of the value of twenty-five dollars or upwards, he shall be deemed guilty of grand larceny and felony, and shall for the first offense be fined not exceeding five hundred dollars and imprisoned in the penitentiary not less than one nor more than five years; and for the second offense may be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the penitentiary not less than three nor more than seven years.

SEC. —. If any person shall steal, take, and carry away any goods, chattels, personal property, bank-note, national-currency note, Treasury note, promissory note, bill of exchange, check, order, or bond for the payment of money, or any obligation or written security for the payment of money or the delivery of goods, wares, or merchandise, or any deed, warrant of attorney, certificate of stock, release, receipt, or other instrument giving, granting, transferring, securing, conferring, releasing, or discharging any estate, right, interest, power, authority, debt, claim, or demand, or anything being the subject of larceny other than is mentioned in the foregoing section, if the value of the property or thing so stolen shall amount to twenty-five dollars or upwards, he shall be deemed guilty of grand larceny and felony, and shall be fined not exceeding five hundred dollars, and imprisoned not less than one year nor more than three years in the penitentiary; and for the second offense he may be fined not exceeding one thousand dollars, and imprisoned for a term not to exceed seven years.

Dogs shall be deemed personal property and subjects of grand or petty larceny, according to their value.

SEC. —. If any person shall commit larceny of any of the articles or things mentioned in the two next preceding sections, and the value thereof shall be less than twenty-five dollars, he shall be deemed guilty of petit larceny and of a misdemeanor, and shall be fined not exceeding one hundred dollars or imprisoned in the common jail not exceeding one year, or both, in the discretion of the court.

SEC. —. The second offense of stealing property, amounting in value to less than twenty-five dollars, shall be deemed felony, and shall be punished as herein provided for grand larceny.

SEC. —. If any person having stolen, in any State or Territory of the United States, anything which may be the subject of grand larceny, as provided for in this chapter, shall bring the same into the District of Columbia, or shall there sell, exchange, or dispose of, or offer to sell, exchange, or dispose of the same, otherwise than to deliver it to the rightful owner, or to some person authorized by him to receive the same, or for the purpose of restoring the same, he shall be deemed guilty of felony committed in the District of Columbia, and shall be fined not exceeding five hundred dollars, or imprisoned in the penitentiary not exceeding five years. But no proceeding under this section shall prevent or delay the surrender of any person offending against its provisions upon the demand of the executive authority of any State or Territory under the Constitution and laws of the United States; and in case of a conviction under this section, the court shall transmit information thereof to the governor of the State or Territory wherein the larceny may have been committed, and wait a reasonable time for a demand of surrender before proceeding to sentence the prisoner.

SEC. —. Things which savor of the realty, and are, at the time they are taken, part of the freehold, whether they be of the substance or produce thereof, or affixed thereto, shall be deemed goods and chattels of

which larceny may be committed, although there be no interval between the severing and the taking away; and the larceny thereof shall be punished in like manner as larceny of goods and chattels.

SEC. —. If any person shall buy, receive, or conceal any stolen goods or article, the larceny of which is made punishable by this chapter, the value of which shall exceed twenty-five dollars, knowing the same to have been stolen, and with intent to deprive the owner thereof, he shall be deemed guilty of felony, and shall be fined not exceeding five hundred dollars, and imprisoned in the penitentiary not less than one year nor more than three years; for the second offense he may be fined not exceeding one thousand dollars, and imprisoned not exceeding five years in the penitentiary.

SEC. —. If the goods or articles bought, received, or concealed, as provided in the next preceding section, do not exceed in value the sum of twenty-five dollars, the party offending shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars and imprisoned not exceeding one year in the jail.

SEC. —. If any clerk, agent, or servant of any private person, or of any copartnership, or voluntary association, (except apprentices and persons within the age of eighteen years;) or if any officer, agent, clerk, or servant of any incorporated company, or any agent or attorney, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, without the assent of his master, principal, or employer, any goods, money, rights in action, or other valuable security or effects whatever belonging to any other person which shall come in his possession or under his care, by virtue of such employment or office, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so embezzled, taken, or secreted, or of the value of any sum of money payable or due upon any right in action so embezzled.

SEC. —. Every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed by the master, principal, or employer of any such clerk, agent, attorney, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the last preceding section.

SEC. —. Every person who shall buy, or in any way receive any money, goods, right in action, or any valuable security or effects whatever, knowing the same to have been embezzled, taken, or secreted, contrary to the provisions of the two last preceding sections, shall, upon conviction, be punished in the same manner and to the same extent as therein prescribed.

SEC. —. If any carrier or other person to whom any goods, money, right in action, or any valuable personal property or effects shall have been delivered to be transported or carried for hire, or any person employed in such transportation or carrying, shall, without the consent of his employer, take, embezzle, or convert to his own use such goods, money, right in action, property, or effects, or any part of them, and before delivery of such articles at the place or to the person entitled to receive them, he shall be deemed guilty of the same grade of offense and be punished in the manner prescribed by law for stealing property of the value of the article so taken, embezzled, converted, or secreted.

SEC. —. If any person, to whom a will shall be delivered for safe custody, shall alter, or fraudulently destroy or conceal the same, with intent to prevent the probate thereof; or if any person shall willfully and fraudulently destroy the same, without the direction of the testator, or shall

willfully and fraudulently secrete it for the space of six months, after the death of the testator shall have been known to him, he shall, on conviction thereof, suffer the same punishment as is inflicted by law in the case of grand larceny.

SEC. —. If any person, other than such custodian of a will, shall destroy or cancel the same as aforesaid, he shall be confined in the penitentiary not less than one nor more than three years.

SEC. —. If any person shall willfully and unlawfully, by false pretenses, obtain any goods or chattels, money, bank-note, Treasury-note, or any other instrument of writing for the payment or delivery of any money or other valuable thing, or for the conveyance of any real estate or the release of any debt or obligation, if the thing so obtained be of less value than twenty-five dollars, he shall be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the jail for a term not to exceed one year, or both, in the discretion of the court; but if the thing obtained be of the value of twenty-five dollars or upwards, he shall be deemed guilty of felony, and shall be fined in a sum equal to twice the value of the thing obtained, or imprisoned in the penitentiary for a term not less than one year nor more than three years, or both, in the discretion of the court.

SEC. —. Every person being a party to any conveyance or assignment of any estate or interest in lands, goods, or thing in action, or of any rents or profits issuing therefrom, or to any charge on any such estate, interest, rents, or profits, made with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors or other persons, and every person being privy to or knowing of such conveyance, assignment, or charge, who shall willfully put the same in use as having been made in good faith, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be confined in jail not less than three nor more than twelve months, and fined not exceeding one thousand dollars.

SEC. —. If any person shall knowingly sell, convey, or incumber any tract or lot of land, without having a title or interest to the same in law or equity, with intent to defraud the purchaser, he shall, upon conviction, be deemed guilty of a misdemeanor, and be punished as in the preceding section.

SEC. —. If any person shall willfully and unlawfully fell or cut down any tree or sapling of another, or shall unlawfully bark or skin any tree or sapling of another, of the value of one dollar, standing or growing in the soil and attached to the freehold, or shall willfully and unlawfully, without color of right, remove any soil, dirt, clay, sand, loam, stone, or gravel from another's freehold, of the value of one dollar or upwards, or shall willfully and unlawfully injure, deface, or destroy the dwelling or out-house of another, (otherwise than by fire or by felonious breaking and entry thereof,) or shall willfully and unlawfully tear down, deface, injure, or destroy the fence, wall, bridge, statuary, or other structure of another, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding two hundred dollars, or imprisoned in the jail not exceeding six months, or both, in the discretion of the court.

SEC. —. If any person shall unlawfully and willfully break or injure any bank, dam, trunk, sluice, culvert, flood-gate, or safe-gate, or shall willfully and unlawfully fill up or obstruct any canal, drain, ditch, or gutter made, constructed, or cut under authority of law by any corporation, company, or individual, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, or imprisoned not exceeding six months in the jail.

SEC. —. If any person shall willfully and maliciously cut down or in-

jure any telegraph-pole, or shall cut, break, or displace any wire thereof within the District of Columbia, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding two hundred dollars, or imprisoned not exceeding six months in the common jail.

SEC. —. If any person shall willfully and unlawfully tear up, break, injure, or destroy any portion of any railroad within the District of Columbia, he shall be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars, or imprisoned for a term not exceeding three months in the common jail.

SEC. —. If any person shall do any of the acts mentioned in the next preceding section, with intent to throw off the track any car, or locomotive, or train of cars, and any person shall receive bodily injury thereby, the party so offending shall be deemed guilty of felony, and shall be fined not exceeding five thousand dollars, and imprisoned in the penitentiary for a term not less than two nor more than ten years; and if any person shall be killed thereby, the party offending shall be deemed guilty of murder of the first or of the second degree, or of manslaughter, according to the circumstances of the case, and shall be punished accordingly.

CHAPTER V.—GENERAL PROVISIONS.

36. All offenses are either felonies or misdemeanors. Such offenses as may be punished with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors.

37. A common-law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed. All common-law offenses, not herein specially provided for, or covered by the provisions of a law of the United States, shall be punishable as follows:

1st. Felonies, by imprisonment in the penitentiary not more than ten years, or fine not exceeding one thousand dollars, or, in the discretion of the court, by both fine and imprisonment, as aforesaid.

2d. Misdemeanors, by confinement in jail not over one year, or fine not exceeding two hundred dollars, or, in the discretion of the court, by both fine and imprisonment, as aforesaid.

SECTION —. Every person who shall abet, procure, command, or counsel another to commit a felony or misdemeanor, or be accessory thereto before the fact, shall be equally criminal with principal offender, and may be indicted, tried, convicted, and punished in all respects as if he were a principal present at and committing the act; and he may be prosecuted, tried, and convicted, without the previous conviction of the principal, and an acquittal of the principal shall not be a bar to the trial and conviction of such aider, abetter, or accessory.

SEC. —. When any person is convicted of any offense, and sentenced therefor to confinement in the penitentiary, and it is alleged in the indictment on which he is convicted, and by the jury found, that he has been before sentenced in the United States to a like punishment, he shall be sentenced to be confined not less than one nor more than five years in addition to the time which he is or would be otherwise sentenced.

When such convict shall have been twice before sentenced in the United States to confinement in the penitentiary, and it is so alleged in the indictment, and admitted, or by the jury found, he shall be sentenced to confinement in the penitentiary for life, or for any period not less than twenty years, in the discretion of the court.

When a person is convicted of petit larceny, and it is alleged in the

indictment on which he is convicted, and admitted, or by the jury found, that he has been before sentenced in the United States for a like offense, he shall be sentenced to confinement in the penitentiary for one year. If such convictions shall have been previously had, and be so alleged and admitted, or found, such person shall be sentenced to confinement in the penitentiary for the space of five years.

When any person is convicted of two or more offenses, the confinement to which he may be sentenced upon the second or any subsequent conviction shall commence on the termination of the previous term or terms of confinement.

SEC. —. If any person, knowing or having cause to believe that a crime has been committed, shall in any manner assist the offender to avoid arrest or escape from justice, he shall be deemed an accessory after the fact, and shall be punished by fine or imprisonment, in the discretion of the court, and according to the aggravation of the case and the nature of the principal offense, and not exceeding the punishment affixed by law for the principal offense; but this provision shall not extend to the husband or wife, the parent or child, or servant of the principal offender. If the principal offender shall be proceeded against, and cannot be brought to trial by reason of his avoiding arrest or escaping, or by reason of his death, the accessary may be tried and convicted without the trial or conviction of the principal.

SEC. —. Upon the trial of any person for any criminal offense, if insanity be set up as a defense, and the jury shall be satisfied by the evidence in the cause that the accused did commit the act charged, but was insane at the time of the commission thereof, they shall render a verdict of "not guilty, by reason of insanity." It shall be the duty of the court before which the case may be tried to instruct the jury as to this duty, and in the event of the rendition of such verdict, the court may, in its discretion, order the defendant to be placed in the insane hospital, there to remain until he be thence discharged by further order of the court upon the certificate of the surgeon in charge that the sanity of the person is restored.

SEC. —. If any case, the punishment of which, as provided for in this part of the laws, is both fine and imprisonment, the court before whom the conviction shall be had may, in their discretion, having respect to the circumstances of the case, and the condition of the party convicted, impose a sentence for both fine and imprisonment, or either.

SEC. —. If any person, indicted for capital or other offense, upon being arraigned on the indictment, shall obstinately and on purpose stand mute, or shall neither confess, nor answer, nor plead matter allowable in law, the court shall proceed to the trial of such person in the same manner as if he had pleaded "not guilty," and the verdict of the jury shall be available and effectual to all intents and purposes, and judgment shall thereupon be rendered accordingly. The court may determine upon view or inquire by jury whether such person stand mute obstinately or by the providence and act of God; and the finding of the said jury being approved by the court, shall be recorded.

SEC. —. In all criminal trials the court may, in its discretion, assign to the accused counsel to defend him, if it shall satisfactorily appear that he is unable to employ counsel, and such counsel shall be allowed a fee not to exceed twenty dollars, except in capital cases, when it shall not exceed one hundred dollars, to be paid as other costs.

SEC. —. A person indicted for crime, the punishment of which is death, shall, at the trial, have right to challenge twenty jurors peremptorily, but no more, except for lawful cause; and a person charged with

any other offense shall have right to challenge six jurors peremptorily, but no more, except for lawful cause. If several charged in one indictment be tried together, each shall not be allowed the whole number of peremptory challenges, but the above right of challenge shall belong to them altogether. The prosecuting officer may, on behalf of the United States, challenge peremptorily, in capital cases, any jurors drawn, not exceeding six, and in other cases not exceeding three: *Provided, however*, That if he shall exercise this right, the defendant shall be entitled to challenge as many jurors in addition to his original challenges as the prosecuting officer shall so challenge.

SEC. —. A person indicted for murder may be found guilty of either degree of murder, or of manslaughter. A person indicted for robbery may be found guilty of robbery or of larceny, grand or petit; or a person charged by indictment or information with any greater offense, which includes a lesser offense, may be found guilty of either, and such conviction shall be as effectual as if the indictment or information had been for the crime whereof the person charged shall thus be found guilty. Any person who has been tried for a lesser offense which is included in a greater offense, may plead autre fois acquit or autre fois convict to an indictment for the greater, and vice versa.

SEC. —. Upon the trial of any person for any felony whatever, when the crime charged shall include an assault against the person of another, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of an assault merely, if the evidence shall warrant such finding; and when such verdict shall be found, the court shall have power to impose a fine not exceeding one thousand dollars, or to imprison not exceeding one year, or both, in the discretion of the court.

SEC. —. In an indictment for forgery it shall be sufficient to set forth the substance of the instrument whereof the forgery shall be alleged.

SEC. —. Whenever it may be necessary in any indictment or information to state ownership of any property, real or personal, belonging to or in the possession of more than one person, whether such persons be partners in trade, part owners, joint tenants, parceners, or tenants in common, or members of a joint-stock company or voluntary association, it shall be sufficient to name one person only, and describe the property as belonging to him and another or others, as the case may be.

SEC. —. In an indictment for perjury it shall be sufficient to set forth the substance of the offense charged, stating in what court or tribunal, or before what committee, officer, or body, the oath or affirmation was administered or taken, the general nature of the cause or proceeding, with proper averments to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, indictment, declaration, affidavit, or any part of any record, either in law or in equity, other than as aforesaid, and without setting forth the commission or authority of the court, person, committee, officer, tribunal, or body, before whom the perjury was committed.

SEC. —. In prosecutions for offenses against property, real or personal, proof of either actual or constructive possession, or the general or special property in the whole, or any part thereof, in the person, corporation, or community alleged to be the owner, shall be sufficient.

SEC. —. In a criminal case judgment shall not be arrested or reversed for any clerical misprision or formal defect, if the record shall contain substantial ground for judgment. The words "force and arms" need not be used in an indictment or information.

SEC. —. Punishment of death shall, in all cases, be inflicted by hanging by the neck. It shall be inflicted by the marshal of the United

States for the District of Columbia, or one of his sworn deputies, within the prison inclosure, in the presence only of a jury of twelve citizens resident in said District, summoned by the marshal to witness such execution, and of such clergymen as may choose to be present, and of the jail physician, and of such of the relatives of the prisoner as said marshal may choose to admit. Such punishment shall be inflicted at such time as the court shall designate in the sentence, not less than thirty days from the pronouncing of said sentence. But the President of the United States may suspend the execution until a more distant day, by him to be designated, and from day to day, as he may deem his duty to require. If from any cause such execution shall not take place at the time appointed, the court shall fix another time therefor.

SEC. —. All the offenses against the United States not herein enumerated, but which are made punishable by acts of Congress of general applicability, may be tried and punished by the criminal court of the District of Columbia if committed within the limits of said District. But where an offense herein enumerated is also made punishable by an act of Congress of general applicability, proceedings shall be under the provisions herein contained.

SEC. —. Persons convicted of felony shall be imprisoned in the penitentiary if over sixteen years of age. If under that age, and if the term of imprisonment be not for life, they may be confined, in the discretion of the court, in such reformatory institution as is now or may be hereafter established or provided by proper authority, or in the penitentiary.

SEC. —. In all cases where fines have been imposed and imprisonment suffered, a party shall not, after having served out the term of imprisonment, be continued in custody by reason of the non-payment of the fine. But the fine shall be a lien, as in civil cases, upon the estate and property of the party from the date of his conviction, and the United States or the District of Columbia, or party entitled, shall in all cases have the same remedies for the collection of the fine as in civil cases.

In all cases where the fines are imposed without imprisonment, the party convicted shall be imprisoned in the jail of the District until the payment of the fine, or for two weeks if the fine does not exceed ten dollars; for one month, if the fine shall exceed ten dollars and not exceed twenty-five dollars; for two months, if the fine shall exceed twenty-five dollars and not exceed fifty dollars; for three months, if the fine shall exceed fifty dollars and not exceed two hundred and fifty dollars; for six months, if the fine shall exceed two hundred and fifty dollars and shall not exceed five hundred dollars; for nine months, if the fine shall exceed five hundred dollars and not exceed one thousand dollars; for one year, if the fine shall exceed one thousand dollars and shall not exceed five thousand dollars; for two years, if the fine shall exceed five thousand dollars.

SEC. —. All fines not herein otherwise appropriated shall be paid over by the marshal or other officer of the District when collected to the treasurer of the District of Columbia.

SEC. —. In the absence of proof to determine whether a person accused of a crime or misdemeanor is under the age of sixteen years, the court may, on inspection, or by the verdict of the jury, determine as to the age; and the record shall show, when the convict is under the age of sixteen, that such is the fact, and the precise age as far as can be ascertained by the court or jury, which shall also be made to appear in the sentence of the court, a copy of which shall be transmitted to the superintendent of the reformatory institution along with the convicted juvenile offender.

SEC. —. Any officer authorized to issue warrants in criminal cases may issue his warrant to search any house or place for property stolen or concealed, or for forged or counterfeited coin, bank-notes, treasury notes, or other writings, or for any implements or material for making the same, or for committing burglary, or for carrying on the business of gambling, or dealing in lottery tickets or policies, and for persons suspected, when such search is authorized by law in the manner hereinafter prescribed, and not otherwise, that is to say: The application or complaint shall be made in writing, signed, and sworn (or affirmed) to by the affiant, and shall designate the place to be searched and the owner or occupant thereof (if any,) and shall describe the things or persons sought as particularly as may be, and shall substantially allege the offense by or in relation to such person or thing, or the cause for which said search is made, and that the affiant has probable cause to suspect and does really suspect that the same is concealed in the place designated. It may be directed to any proper officer for service, and shall set forth the material facts alleged in the affidavit, and may be made returnable to the proper tribunal, before whom it shall also direct to be brought the person or thing searched for, if found, and the person in whose custody or possession the same may be found, to be dealt with according to law. But no search-warrant shall authorize the search of any dwelling-house except bawdy and gambling houses in the night-time, unless the officer opening the same shall be satisfied that it is necessary to prevent the escape of the person or the removal of the thing to be searched for, and in such case the authority for such search in the night-time shall be expressed in said warrant.

SEC. —. No person shall be rendered incompetent as a witness by reason of his conviction or sentence of or for any felony or misdemeanor, nor by reason of the fact that he is the defendant on indictment or information in which his testimony may be offered; but such conviction and sentence, or condition of defendant, may go to his credibility only. The fact that a defendant does not offer to testify in his own behalf shall raise no presumption against him, nor shall it be a subject of comment on the trial either by the judge or counsel.

SEC. —. No person shall be prosecuted or punished for any offense, except murder, unless the indictment shall have found or the information filed within three years next after said offense shall have been committed: *Provided*, That this limitation shall not extend to the case of any person fleeing from justice; and that if any person, after the commission of any such offense, shall go, within three years, to reside outside of the District of Columbia, he may be prosecuted within one year after said three years may have expired, although he may have left the said District with no purpose of fleeing from justice.

SEC. —. No apothecary, druggist, or other person shall sell or give away, except upon the prescription of a physician or the personal application of some responsible resident of the District, of full age, any article of medicine belonging to the class usually known as poisons. The word "poison" shall in all cases be carefully and legibly marked upon the label or wrapper of each package; and when such poison is sold or given away on the application of other than a physician, the apothecary, druggist, or person so disposing of the same shall observe strictly the following directions:

1. To register in a book kept for that purpose the name, age, and sex of the person obtaining the poison.
2. The quantity sold, and day and date of sale.
3. The purpose for which it is required.

4. The name and place of abode of the person for whom it is intended.

Any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the jail not exceeding one year, or both, at the discretion of the court.

SEC. —. If any person shall willfully interrupt, disturb, or molest any religious meeting, congregation, or society assembled for the purpose of religious worship, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty nor more than two hundred dollars.

FUGITIVES FROM JUSTICE.

The powers heretofore exercised by the chief justice of the supreme court of the District of Columbia, under the sixth section of the act of Congress approved March 3, 1801, relative to the surrender of fugitives from justice, shall hereafter be exercised by the governor of the District, and the act of Congress approved February 12, 1793, so far as the same is applicable, is extended to the District of Columbia.

All prosecutions under the provisions contained in Part IV of these revised laws shall be conducted by the attorney of the United States for the District of Columbia, or his assistant or deputy.

SAVING CLAUSES.

1. Common law, &c., continued, except as herein altered.
2. Suits begun not to be prejudiced.

1. The common law, the principles of equity, and statutes now in force in this District, are hereby continued, except in those respects wherein the same are altered by this act; and these revised laws shall govern and be the rule of decision in all cases where they prescribe either a remedy, or a method of procedure.

2. No suit or proceeding heretofore begun and sufficient, shall be prejudiced by reason of the passage of this act, but the same shall in all subsequent proceedings be governed, as far as practicable, by the provisions herein enacted.

LIST OF ACTS RELATING TO THE DISTRICT OF COLUMBIA, CONSULTED BY THE COMMISSIONERS IN THEIR REVISION OF THE STATUTES IN FORCE.

[SUBMITTED PURSUANT TO THE ACT.]

9 Henry 3, c. 7.
c. 8.
c. 18.
c. 25.
20 Henry 3, c. 1.
c. 2.
c. 9.
21 Henry 3.
51 Henry 3, stat. 4.
52 Henry 3, c. 4.
c. 15.
c. 23.
3 Edward 1, c. 15.
c. 16.
c. 17.
c. 49.
4 Edward 1, stat. 2.
stat. 3, c. 6.
6 Edward 1, c. 1.
c. 5.
c. 7.
13 Edward 1, stat. 1, c. 1.
c. 2.
c. 4.
c. 7.
c. 11.
c. 14.
c. 15.
c. 22.
c. 24.
c. 31.
c. 34.
c. 37.
c. 45.
stat. 2, c. 1.
c. 4.
33 Edward 1, stat. 4.
stat. 6.
1 Edward 2, stat. 2.
15 Edward 2.
17 Edward 2, stat. 1, c. 9.
c. 10.
1 Edward 3, c. 16.
4 Edward 3, c. 2.
14 Edward 3, stat. 1, c. 6.
1, c. 10.
25 Edward 3, stat. 5, c. 2.
c. 3.
c. 10.
c. 17.
28 Edward 3, c. 3.
34 Edward 3, c. 1.
36 Edward 3, c. 15.
59 Edward 3, c. 5.
c. 6.
1 Richard 2, c. 12.
1 Richard 2, c. 15.
5 Richard 2, stat. 1, c. 8.
7 Richard 2, c. 6.
9 Richard 2, c. 3.
13 Richard 2, stat. 1, c. 5.
c. 9.
15 Richard 2, c. 2.
c. 3.
17 Richard 2, c. 6.
c. 8.
2 Henry 4, c. 7.
c. 11.
4 Henry 4, c. 5.
c. 18.
5 Henry 4, c. 10.
11 Henry 4, c. 3.
13 Henry 4, c. 7.
1 Henry 5, c. 5.
2 Henry 5, stat. 1, c. 2.
c. 8.
9 Henry 5, stat. 1, c. 4.
4 Henry 6, c. 3.
8 Henry 6, c. 9.
c. 12.
c. 15.
11 Henry 6, c. 5.
c. 6.
c. 8.
23 Henry 6, c. 10.
1 Richard 3, c. 1.
c. 3.
3 Henry 7, c. 1.
c. 3.
c. 4.
c. 10.
4 Henry 7, c. 12.
c. 20.
11 Henry 7, c. 12.
c. 20.
12 Henry 7, c. 5.
19 Henry 7, c. 9.
c. 10.
c. 13.
c. 20.
5 Henry 8, c. 6.
7 Henry 8, c. 4.
21 Henry 8, c. 4.
c. 5.
c. 19.
23 Henry 8, c. 14.
c. 15.
24 Henry 8, c. 8.
27 Henry 8, c. 10.
31 Henry 8, c. 1.
32 Henry 8, c. 9.
c. 28.

List of acts relating to the District of Columbia, &c.—Continued.

32 Henry 8, c. 30.
23 Henry 8, c. 32.
c. 33.
c. 34.
c. 37.
c. 40.
35 Henry 8, c. 6.
37 Henry 8, c. 8.
1 and 2 Philip and Mary, c. 10.
c. 12.
c. 13.
2 and 2 Philip and Mary, c. 10.
4 and 5 Philip and Mary, c. 7.
13 Elizabeth, c. 5.
14 Elizabeth, c. 9.
18 Elizabeth, c. 5.
c. 14.
27 Elizabeth, c. 4.
c. 5.
31 Elizabeth, c. 5.
c. 11.
43 Elizabeth, c. 8.
4 James 1, c. 3.
7 James 1, c. 5.
21 James 1, c. 4.
c. 12.
c. 13.
c. 15.
c. 16.
c. 23.
c. 24.
12 Charles 2, c. 24.
16 Charles 2, c. 7.
16 and 17 Charles 2, c. 8.
17 Charles 2, c. 7.
c. 8.
19 Charles 2, c. 6.
22 and 23 Charles 2, c. 20.
29 Charles 2, c. 3.
c. 7.
30 Charles 2, c. 7.
2 William and Mary, sess. 1, c. 5.
3 and 4 William and Mary, c. 14.
4 and 5 William and Mary, c. 16.
c. 20.
c. 24.
6 and 7 William and Mary, c. 4.
7 William 3, c. 3.
8 and 9 William 3, c. 11.
c. 27.
c. 31.
9 and 10 William 3, c. 15.
c. 17.
10 and 11 William 3, c. 16.
1 Anne, c. 6.
3 and 4 Anne, c. 9.
4 Anne, c. 16.
5 Anne, c. 9.
6 Anne, c. 18.
7 Anne, c. 19.
8 Anne, c. 14.
9 Anne, c. 14.
c. 20.
5 George 1, c. 13.
12 George 1, c. 29.
4 George 2, c. 10.
c. 26.
c. 28.
5 George 2, c. 7.
6 George 2, c. 14.
7 George 2, c. 15.
c. 20.
11 George 2, c. 19.
15 George 2, c. 30.
18 George 2, c. 34.
19 George 2, c. 28.
20 George 2, c. 37.
23 George 2, c. 11.
24 George 2, c. 23.
c. 44.
25 George 2, c. 6.
c. 30.
29 George 2, c. 31.
11 George 3, c. 20.

ACTS OF ASSEMBLY OF THE STATE OF MARYLAND.

1692—chap. XVI.
1696—chap. XVII.
1704—chap. XVI, secs. VI and VII.
chap. XXIX.
chap. XXXVIII.
chap. LXIX.
1706—chap. VIII.
1713—chap. IV.
1715—chap. X.
chap. XI.
chap. XV.
chap. XXIII.
chap. XXVI.
chap. XXVII.
chap. XXXI.
chap. XXXVII.
chap. XL.
chap. XLVI.
1715—chap. XLVII.
chap. XLVIII.
1716—chap. I.
chap. XVI.
1717—chap. VIII.
chap. XV.
1718—chap. V.
1719—chap. III.
chap. IV.
chap. XIV.
chap. XV.
1720—chap. XXIV.
chap. XXV.
1721—chap. XIV.
1722—chap. IV.
chap. V.
chap. VIII.
chap. X.

List of acts relating to the District of Columbia, &c.—Continued.

1722—chap. XII.
1723—chap. VIII.
chap. XVI.
chap. XIX.
1724—chap. XXI.
1728—chap. VII.
chap. VIII.
1729—chap. IV.
chap. VIII.
chap. XX.
chap. XXIV.
chap. XXV.
1731—chap. XV.
1734—chap. XVI.
1737—chap. II.
1742—chap. X.
1744—chap. V.
chap. XX.
1745—chap. XV.
1747—chap. XXIII.
1748—chap. VII.
1749—chap. XII.
1751—chap. XI.
chap. XXV.
1752—chap. III.
chap. VII.
chap. VIII.
chap. XIII.
1753—chap. IX.
chap. XVI.
chap. XXXVI.
chap. X.
1756—chap. XII.
1763—chap. XIII.
chap. XXIII.
chap. XXIV.
1765—chap. I.
chap. XII.
1766—chap. X.
chap. XIV.
chap. XXI.
chap. XXV.
1768—chap. IV.
chap. V.
chap. X.
chap. XXIX.
1769—chap. XIV, sec. 18.
chap. XV.
chap. XVI.
chap. XVIII.
1770—chap. X.
chap. VII.
1771—chap. XV.
chap. XVIII.
chap. III.
1773—chap. VII.
1774—chap. XVIII.
chap. XXVIII.
1777—chap. V.
chap. VI.
chap. VIII
chap. XII.
chap. XIII.
chap. XX.
1777—October, chap. I.
chap. IX.
chap. XII.
1777—October, chap. XVI.
1778—October, chap. XX.
chap. XXI.
chap. XXII.
1779—July, chap. IV.
chap. VIII.
November, chap. X.
chap. XXIV.
chap. XXV.
1780—chap. XXIV.
chap. VIII.
June, chap. XI.
October, chap. X.
chap. XVII
chap. XVIII.
chap. XXI.
chap. XXIII.
1781—chap. XXII.
November, chap. XI.
chap. XIII.
chap. XXII.
1782—chap. XXXI.
chap. XL.
November, chap. XXIII.
1783—chap. XXX.
November, chap. XVIII.
chap. XXVII.
1784—chap. XXXIII.
chap. XXXVII.
chap. XL.
chap. LXXVIII.
1785—chap. III.
chap. IX.
chap. XXXIV.
chap. XXXV.
chap. XXXVI.
chap. XXXVIII.
chap. XLVI.
chap. XLVII.
chap. XLIX.
chap. LXXII.
chap. LXXVIII.
chap. LXXX.
1786—chap. II.
chap. X.
chap. XII.
chap. XXXIII.
chap. XLV.
1787—chap. XXX.
November, chap. IX.
chap. XXVI.
chap. XXXIV.
1788—November, chap. IV.
chap. XXVII.
chap. XXXI.
chap. XXXIII.
chap. XLVI.
1789—chap. V.
chap XXII.
chap. XXIII.
chap. XXIV.
chap. XXVI.
chap. XXXV
chap. XLVI.
1790—chap. VIII.
chap. XV.
chap. XX.

List of acts relating to the District of Columbia, &c.—Continued.

1790—chap. XXVII.
chap. XXX.
chap. XXXV.
chap. XXXVIII.
chap. XLIII.
chap. LIII.
chap. LV.
chap. LX.
1791—chap. XLV.
chap. XLIX.
chap. LVIII.
chap. LXIII.
chap. LXV.
chap. LXVII.
chap. LXVIII.
chap. LXXVI.
chap. LXXVIII
chap. LXXIX.
chap. LXXXI.
chap. LXXXIX.
1792—chap. VII.
chap. IX.
November, chap. XIV.
chap. XV.
chap. XX.
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chap. LV.
chap. LVIII.
chap. LIX.
chap. LXIII.
chap. LXXIV.
1793—chap. XXX.
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chap. XLV.
chap. XLVII.
chap. LVIII.
chap. LVII.
chap. LX.
chap. LXXV.
1794—chap. VI.
chap. XX.
chap. XXIX.
chap. XLVI.
chap. XLVII.
chap. LIV.
chap. LVII.
chap. LX.
chap. LXVI.
1795—chap. XIII.
chap. XIX.
chap. XXIII.
chap. XXXVII.
chap. XLIV.
chap. XLVII.
chap. LV.
1759—chap. LVI.
chap. LXII.
chap. LXXI.
chap. LXXIV.
chap. LXXVIII.
chap. LXXXVIII.
chap. LXXXIX.
1796—chap. XXXIV.
chap. XLIII.
chap. LII.
chap. LIV.
chap. LXIX.
1797—chap. XXII.
chap. XXXVIII.
chap. XL.
chap. XLI.
chap. LVI.
chap. LX.
chap. LXIX.
chap. LXXVI.
chap. LXXXVII.
chap. XCII.
chap. XCIII.
chap. XCIV.
chap. XCV.
chap. CIII.
chap. CX.
chap. CXIII.
chap. CXIV.
chap. CXVIII.
1798—chap. XXIV.
chap. LII.
chap. LXVI.
chap. LXXVII.
chap. LXXX.
chap. LXXXIII.
chap. LXXXIV.
chap. XCIV.
chap. C.
chap. CI.
chap. CIII.
chap. CVI.
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chap. CXIII.
1799—chap. XII.
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chap. LXXIX.
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chap. LXXXVI.
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List of acts relating to the District of Columbia, &c.—Continued.

CONSTITUTIONS AND FUNDAMENTAL LAWS, &c.

Magna Charta.
Charter of Maryland.
Maryland Declaration of Rights.
Constitution of Maryland.
Constitution of the United States.
Compact between Maryland and Virginia, 1785–'86.

ACTS OF CONGRESS.

FIRST CONGRESS.

Session.	*Chapter.*	*Date.*
1	XX.	September 24, 1789
	XXI.	September 29, 1789
2	III.	March 26, 1790.
	IX.	April 30, 1790.
	XI.	May 26, 1790.
	XII.	May 26, 1790
	XIII.	May 26, 1790.
	XXVIII.	July 16, 1790.
3	VIII.	February 18, 1791.
	XVII.	March 3, 1791.
	XXII.	March 3, 1791.

SECOND CONGRESS.

1	XXIX.	May 5, 1792.
	XXXIII.	May 8, 1792.
	XXXVI.	May 8, 1792.
2	XX.	March 1, 1793.
	XXII.	March 2, 1793.

THIRD CONGRESS.

1	L.	June 5, 1794.
2	III.	December 12, 1794.
	XX.	January 29, 1795.
	XXVIII.	February 25, 1795.
	XLVIII.	March 3, 1795.

FOURTH CONGRESS.

1	XI.	March 31, 1796.
	XXI.	May 6, 1796.
	XXXVIII.	May 28, 1796.
	XLVIII.	June 1, 1796.
2	V.	March 2, 1797.
	XIII.	March 3, 1797.
	XX.	March 3, 1797.
	XXVII.	March 3, 1797.

FIFTH CONGRESS.

1	X.	July 5, 1797.
2	VIII.	January 23, 1798.
	XXX.	April 18, 1798.
	XLIX.	June 6, 1798.
	L.	June 6, 1798.
	LIV.	June 18, 1798.
	LXVI.	July 6, 1798.
	LXXIV.	July 14, 1798.
	LXXXIII.	July 16, 1798.

FIFTH CONGRESS—Continued.

Session.	*Chapter.*	*Date.*
3	I.	January 30, 1799.
	XIX.	February 28, 1799.
	XXXII.	March 2, 1799.

SIXTH CONGRESS.

1	IV.	January 6, 1800.
	VI.	February 11, 1800.
	XIX.	April 4, 1800.
	XXXVII.	April 24, 1800.
	Resolut'n 1.	December 24, 1799.
2	IV.	February 13, 1801.
	XV.	February 27, 1801.
	XXIV.	March 3, 1801.

SEVENTH CONGRESS.

1	VIII.	March 8, 1802.
	XXVIII.	April 14, 1802.
	XXXI.	April 29, 1802.
	XLI.	May 1, 1802.
	LII.	May 3, 1802.
	LIII.	May 3, 1802.
2	XX.	March 3, 1803.
	XXIII.	March 3, 1803.
	XXIX.	March 3, 1803.
	XXXI.	March 3, 1803.
	XL.	March 3, 1803.

EIGHTH CONGRSSS.

1	VI.	December 19, 1803.
	XIV.	February 24, 1804.
	XV.	February 25, 1804.
	XL.	March 26, 1804.
	XLIV.	March 26, 1804.
	XLVII.	March 26, 1804.
	LIV.	March 27, 1804.
	LV.	March 27, 1804.
	LVI.	March 27, 1804.
2	VII.	January 19, 1805.
	XXXII.	March 3, 1805.

NINTH CONGRESS.

1	XVI.	March 28, 1806.
	XXI.	April 10, 1806.
	XXXVI.	April 21, 1806.
2	XIII.	February 13, 1807.
	XVIII.	February 24, 1807.
	XXIII.	March 3, 1807.

List of acts relating to the District of Columbia, &c.—Continued.

TENTH CONGRESS.

Session.	*Chapter.*	*Date.*
1	XV.	February 5, 1808.
	XIX.	February 10, 1808.
	L.	April 21, 1808.
2	VIII.	January 12, 1809.
	XVII.	February 16, 1809.
	XXVII.	March 2, 1809.
	XXX.	March 3, 1809.
	XXXI.	March 3, 1809.

ELEVENTH CONGRESS.

2	XXI.	March 30, 1810.
	XXVI.	April 20, 1810.
	XXVII.	April 25, 1810.
3	XV.	February 15, 1811.
	XVI.	February 15, 1811.
	XVII.	February 16, 1811.
	XVIII.	February 16, 1811.
	XIX.	February 18, 1811.
	XXIII.	February 22, 1811.
	XL.	March 3, 1811.

TWELFTH CONGRESS.

1	LXXV.	May 4, 1812.
	LXXXVII.	May 16, 1812.
	C.	June 17, 1812.
	CI.	June 17, 1812.
	CVI.	June 24, 1812.
	CXIII.	July 1, 1812.
	CXVII.	July 1, 1811.
	CXX.	July 5, 1812.
2	XXXIX.	February 27, 1813.

THIRTEENTH CONGRESS.

1	I.	June 14, 1813.
	XI.	July 13, 1813.
	XII.	July 13, 1813.
	XIV.	July 22, 1813.
	XXXVI.	July 30, 1813.
3	LX.	February 27, 1815.

FOURTEENTH CONGRESS.

1	XXIV.	March 5, 1816.
	XXXII.	March 22, 1816.
	XXXIX.	April 2, 1816.
	XLVII.	April 16, 1816.
	CXLIII.	April 29, 1816.
	CL.	April 29, 1816.
	Resolut'n 5.	April 16, 1816.
2	XVIII.	February 24, 1817.
	XXX.	March 1, 1817.
	XCIII.	March 3, 1817.
	CI.	March 3, 1817.
	CVIII.	March 3, 1817.

FIFTEENTH CONGRESS.

1	XXXIII.	April 3, 1818.
	XL.	April 4, 1818.
	LXXXVIII.	April 20, 1818.
	XCIV.	April 20, 1818.

FIFTEENTH CONGRESS—Continued.

Session.	*Chapter.*	*Date.*
2	XXI.	February 15, 1819.
	XXXV.	February 20, 1819.
	LXXI.	March 3, 1819.
	LXXVII.	March 3, 1819.

SIXTEENTH CONGRESS.

1	XVII.	February 28, 1820.
	LIV.	May 1, 1820.
	LXII.	May 4, 1820.
	CIV.	May 15, 1820.
2	III.	December 29, 1820.
	XVIII.	March 2, 1821.

SEVENTEENTH CONGRESS.

1	XCI.	May 7, 1822.
	XCVI.	May 7, 1822.
2	XIV.	February 21, 1823.
	XXIV.	March 1, 1823.
	XXXVII.	March 1, 1823.
	XXXVIII.	March 3, 1823.

EIGHTEENTH CONGRESS.

1	III.	January 7, 1824.
	XXVI.	March 8, 1824.
	XXXIII.	April 9, 1824.
	XXXIX.	April 22, 1824.
	LXVI.	May 13, 1824.
	CLIX.	May 26, 1824.
	CLX.	May 26, 1824.
	CLXXXVI.	May 26, 1824.
	CXCI.	May 26, 1824.
2	XVIII.	March 3, 1825.
	XXV.	March 3, 1825.
	LII.	March 3, 1825.
	LXV.	March 3, 1825.

NINETEENTH CONGRESS.

1	X.	March 3, 1826.
	XXX.	May 4, 1826.
	XLV.	May 13, 1826.
	LXXV.	May 20, 1826.
	LXXX.	May 20, 1826.
	LXXXI.	May 20, 1826.
	CIX.	May 20, 1826.
	CXI.	May 20, 1826.
	CXXIV.	May 20, 1826.
	CXXX.	May 20, 1826.
	CXXXI.	May 20, 1826.
	CXXXVI.	May 20, 1826.
2	IV.	January 27, 1827.
	XIV.	February 22, 1827.

TWENTIETH CONGRESS.

1	XLVIII.	May 9, 1828.
	LIX.	May 19, 1828.
	LXVIII.	May 19, 1828.
	LXXXV.	May 23, 1828.
	LXXXVI.	May 24, 1828.
	LXXXVII.	May 24, 1828.

List of acts relating to the District of Columbia, &c.—Continued.

TWENTIETH CONGRESS—Continued.

Session.	*Chapter.*	*Date.*
1	CXV.	May 24, 1828.
	CXVI.	May 24, 1828.
2	LXV.	March 3, 1829.

TWENTY-FIRST CONGRESS.

1	XCV.	May 14, 1830.
	CLXII.	May 29, 1830.
	CCXXIX.	May 31, 1830.
2	XXXI.	February 25, 1831.
	XXXVII.	March 2, 1831.
	LXXXV.	March 2, 1831.
	XCI.	March 2, 1831.

TWENTY-SECOND CONGRESS.

1	LXVI.	April 5, 1832.
	CV.	May 25, 1832.
	CVI.	May 25, 1832.
	CVII.	May 25, 1832.
	CX.	May 31, 1832.
	CXI.	May 31, 1832.
	CXII.	May 31, 1832.
	CXIII.	May 31, 1832.
	CXIV.	May 31, 1832.
	CCXXV.	July 14, 1832.
	CCXXXIII.	July 14, 1832.
	CCXLII.	July 14, 1832.
	CCXLVIII.	July 14, 1832.
2	XXXII.	February 19, 1833.
	LXV.	March 2, 1833.
	LXVI.	March 2, 1833.
	LXXIII.	March 2, 1833.
	LXXX.	March 2, 1833.

TWENTY-THIRD CONGRESS.

1	XI.	February 26, 1834.
	XLV.	June 7, 1834.
	XCIX.	June 28, 1834.
	CLV.	June 30, 1834.
	CLXIII.	June 30, 1834.
	CLXXIV.	June 30, 1834.
2	XXVIII.	March 3, 1835.
	XXXV.	March 3, 1835.
	XL.	March 3, 1835.

TWENTY-FOURTH CONGRESS.

1	XXXVIII.	February 17, 1836.
	XL.	February 25, 1836.
	LXXIX.	May 20, 1836.
	CCXXXV.	July 1, 1836.
	CCLII.	July 1, 1836.
	CCLX.	July 2, 1836.
	Resolut'n 6.	June 7, 1836.
	Resolut'n 7.	June 14, 1836.
2	XXXIV.	March 3, 1837.
	LI.	March 3, 1837.

TWENTY-FIFTH CONGRESS.

1	III.	October 12, 1837.
2	LVII.	April 20, 1838.

TWENTY-FIFTH CONGRESS—Contin'd.

Session.	*Chapter.*	*Date.*
2	LXXXV.	May 25, 1838.
	LXXXVIII.	May 25, 1838.
	XCI.	May 31, 1838.
	CXLVIII.	June 28, 1838.
	CLIV.	July 5, 1838.
	CLXVII.	July 7, 1838.
	CLXXXV.	July 7, 1838.
	CXCII.	July 7, 1838.
3	XXVIII.	February 16, 1839.
	XXX.	February 20, 1839.
	XXXI.	February 20, 1839.
	XXXIII.	February 28, 1839.
	XXXV.	February 28, 1839.
	XXXVI.	February 28, 1839.
	CCXXVI.	March 3, 1839.
	CCXXIX.	March 3, 1839.
	Resolut'n 3.	February 16, 1839.

TWENTY-SIXTH CONGRESS.

1	XXVI.	May 27, 1840.
	XLVII.	July 20, 1840.
2	II.	January 14, 1841.

TWENTY-SEVENTH CONGRESS.

1	V.	August 3, 1841.
	IX.	August 19, 1841.
	XI.	August 19, 1841.
	XII.	August 25, 1841.
	XXIII.	September 11, 1841.
2	LXXXII.	July 27, 1842.
	CVI.	July 27, 1842.
	CVIII.	August 1, 1842.
	CLXXXIV.	August 23, 1842.
	CLXXXVIII.	August 23, 1842.
	CCXXVIII.	August 29, 1842
	CCLVII.	August 29, 1842.
	CCLXXXII.	August 31, 1842.
	CCLXXXIII.	August 31, 1842.
3	XXX.	February 15, 1843.
	LXXV.	March 3, 1843.
	LXXXII.	March 3, 1843.
	LXXXVII.	March 3, 1843.
	XCVIII.	March 3, 1843.

TWENTY-EIGHTH CONGRESS.

1	X.	April 4, 1844.
	XLIX.	June 15, 1844.
	LXXII.	June 15, 1844.
	XCIV.	June 17, 1844.
	XCVI.	June 17, 1844.
	XCVIII.	June 17, 1844.
	C.	June 17, 1844.
	CI.	June 17, 1844.
2	II.	February 4, 1845.
	XXXI.	March 1, 1845.

TWENTY-NINTH CONGRESS.

1	VIII.	February 20, 1846.
	X.	March 24, 1846.
	XXXV.	July 9, 1846.

List of acts relating to the District of Columbia, &c.—Continued.

TWENTY-NINTH CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
1	XCVII.	August 8, 1846.
	CLXXVIII.	August 10, 1846.
2	XVII.	February 22, 1847.
	XXXVIII.	March 2, 1847.
	LI.	March 3, 1847.
	LV.	March 3, 1847.

THIRTIETH CONGRESS.

1	XVIII.	March 14, 1848.
	XLII.	May 17, 1848.
	LXXXII.	June 28, 1848.
	XCII.	July 5, 1848.
	CLXVII.	August 12, 1848.
	Resolut'n 23.	August 7, 1848.
2	LXI.	February 22, 1849.
	CIX.	March 3, 1849.
	CXVIII.	March 3, 1849.
	CXXVIII.	March 3, 1849.

THIRTY-FIRST CONGRESS.

1	XXVII.	July 29, 1850.
	XXX.	July 29, 1850.
	LII.	September 16, 1850.
	LXIII.	September 20, 1850.
2	XI.	February 19, 1851.

THIRTY-SECOND CONGRESS.

1	XLIV.	May 27, 1852.
	LV.	July 3, 1852.
2	XXXI.	January 25, 1853.
	XL.	February 3, 1853.
	LXXVI.	February 16, 1853.
	LXXX.	February 26, 1853.
	LXXXI.	February 26, 1853.

THIRTY-THIRD CONGRESS.

1	CLIX.	July 29, 1854.
	CCXLII.	August 4, 1854.
2	XV.	December 27, 1854.
	XXIII.	January 3, 1855.
	LXXI.	February 10, 1855.
	CXLV.	March 2, 1855.
	CLXXIV.	March 3, 1855.
	CXCIX.	March 3, 1855.
1	XCVIII.	July 20, 1854.
	CXI.	July 27, 1854.
	CXCVII.	August 3, 1854.
	CCIII.	August 3, 1854.
2	XXVI.	January 10, 1855.

THIRTY-FOURTH CONGRESS.

1	XX.	April 23, 1856.
	XXI.	April 23, 1856.
	XXX.	May 16, 1856.
	LXXXIV.	August 11, 1856.
	LXXXVI.	August 11, 1856.
	CXX.	August 16, 1856.
	CLXIII.	August 18, 1856.
	CLXV.	August 18, 1856.

THIRTY-FOURTH CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
3	XXXVI.	February 7, 1857.
	XXXVII.	February 7, 1857.
	XLVI.	February 16, 1857.
	CXVI.	March 3, 1857.

Private.

1	XXXV.	June 2, 1856.
	XXXVII.	June 2, 1856.
	LXXXVIII.	August 11, 1856.
	LXXXIX.	August 11, 1856.
	XCIV.	August 11, 1856.
3	XL.	February 7, 1857.
	XLIX.	February 16, 1857.
	CLXXXVII.	March 3, 1857.

THIRTY-FIFTH CONGRESS.

1	X.	April 8, 1858.
	XXIII.	May 4, 1858.
	XXIV.	May 4, 1858.
	XXXVIII.	May 18, 1858.
	LIX.	May 29, 1858.
2	XVII.	February 2, 1859.
	XVIII.	February 2, 1859.
	LXXXIV.	March 3, 1859.

THIRTY-SIXTH CONGRESS.

1	XXXI.	April 19, 1860.
	XXXV.	April 20, 1860.
	XXXIX.	May 9, 1860.
	LI.	May 22, 1860.
	LXVI.	June 1, 1860.
	LXXVII.	June 5, 1860.
	CXV.	June 12, 1860.
	CXVI.	June 12, 1860.
	CXVII.	June 12, 1860.
	CXX.	June 13, 1860.
	CXXI.	June 13, 1860.
	CXXII.	June 13, 1860.
	CXXIX.	June 15, 1860.
	CLVIII.	June 19, 1860.
	CLXIV.	June 21, 1860.
	CLXXIX.	June 22, 1860.
	CLXXXIV.	June 22, 1860.
	CXC.	June 22, 1860.
	CCIV.	June 23, 1860.
	CXI.	June 25, 1860.
2	XXV.	February 5, 1861.
	XXXVII.	February 18, 1861.
	LX.	February 28, 1861.
	LXXXVIII.	March 2, 1861.

THIRTY-SEVENTH CONGRESS.

1	XXXIII.	July 31, 1861.
	XXXVII.	August 2, 1861.
	XXXIX.	August 3, 1861.
	XLIV.	August 5, 1861.
	XLV.	August 5, 1861.
	XLVIII.	August 5, 1861.
	LIV.	August 5, 1861.
	LVI.	August 6, 1861.

List of acts relating to the District of Columbia, &c.—Continued.

THIRTY-SEVENTH CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
	LX.	August 6, 1861.
	LXI.	August 6, 1861.
	LXII.	August 6, 1861.
2	XI.	January 24, 1862.
	XLIV.	March 15, 1862.
	LIV.	April 16, 1862.
	LXIII.	May 3, 1862.
	LXXIII.	May 17, 1862.
	LXXVII.	May 20, 1862.
	LXXVIII.	May 20, 1862.
	LXXIX.	May 20, 1862.
	LXXXII.	May 21, 1862.
	LXXXIII.	May 21, 1862.
	LXXXIV.	May 26, 1862.
	XCIX.	June 10, 1862.
	CII.	June 16, 1862.
	CIII.	June 17, 1862.
	CXIX.	July 1, 1862.
	CXXV.	July 1, 1862.
	CXXVIII.	July 7, 1862.
	CXLIII.	July 11, 1862.
	CLI.	July 11, 1862.
	CLV.	July 12, 1862.
	CLVIII.	July 12, 1862.
	CLXIV.	July 14, 1862.
	CLXVIII.	July 14, 1862.
	CLXXXI.	July 16, 1862.
	CXC.	July 16, 1862.
	CXCV.	July 17, 1862.
3	X.	January 16, 1863.
	XXXIII.	February 14, 1863.
	XXXIV.	February 14, 1863.
	XLVI.	February 20, 1863.
	LI.	February 21, 1863.
	LXXXVI.	March 3, 1863.
	XC.	March 3, 1863.
	XCI.	March 3, 1863.
	XCIII.	March 3, 1863.
	XCV.	March 3, 1863.
	CIII.	March 3, 1863.
	CV.	March 3, 1863.
	CVI.	March 3, 1863.
	CIX.	March 3, 1863.
	CX.	March 3, 1863.
	CXI.	March 3, 1863.
	CXV.	March 3, 1863.
	Resolut'n 30.	March 3, 1863.

THIRTY-EIGHTH CONGRESS.

1	VI.	January 28, 1864.
	IX.	February 13, 1864.
	XVI.	February 29, 1864.
	XXI.	March 8, 1864.
	XXII.	March 8, 1864.
	XXIII.	March 8, 1864.
	XLIX.	April 8, 1864.
	L.	April 8, 1864.
	LI.	April 8, 1864.
	LII.	April 8, 1864.
	LXVII.	April 26, 1864.
	LXXXI.	May 5, 1864.
	LXXXV.	May 12, 1864.
	CIV.	June 2, 1864.

THIRTY-EIGHTH CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
	CVI.	June 3, 1864.
	CXVIII.	June 11, 1864.
	CXXI.	June 11, 1864.
	CXXV.	June 15, 1864.
	CXXIX.	June 17, 1864.
	CXXXII.	June 17, 1864.
	CLVI.	June 25, 1864.
	CLVII.	June 25, 1864.
	CLVIII.	June 25, 1864.
	CLXIII.	June 27, 1864.
	CLXIX.	June 28, 1864.
	CLXX.	June 28, 1864.
	CLXXII.	June 30, 1864.
	CLXXIII.	June 30, 1864.
	CLXXIV.	June 30, 1864.
	CLXXVI.	June 30, 1864.
	CLXXX.	June 30, 1864.
	CXC.	July 1, 1864.
	CXCI.	July 1, 1864.
	CXCII.	July 1, 1864.
	CXCIII.	July 1, 1864.
	CCX.	July 2, 1864.
	CCXIV.	July 2, 1864.
	CCXXII.	July 2, 1864.
	CCXLIII.	July 4, 1864.
	CCXLIV.	July 4, 1864.
	Resolut'n 35.	June 1, 1864.
	Resolut'n 51.	June 28, 1864.
2	XII.	January 13, 1865.
	XXIV.	January 30, 1865.
	XXV.	January 30, 1865.
	XXVI.	January 30, 1865.
	XXX.	February 9, 1865.
	XXXIV.	February 14, 1865.
	XLVIII.	February 23, 1865.
	XLIX.	February 23, 1865.
	L.	February 23, 1865.
	LVI.	February 25, 1865.
	LVII.	February 25, 1865.
	LVIII.	February 25, 1865.
	LXXIV.	March 2, 1865.
	LXXVIII.	March 3, 1865.
	LXXXIII.	March 3, 1865.
	LXXXVI.	March 3, 1865.
	XCI.	March 3, 1865.
	XCII.	March 3, 1865.
	CVI.	March 3, 1865.
	CX.	March 3, 1865.
	CXIII.	March 3, 1865.
	CXVIII.	March 3, 1865.
	CXIX.	March 3, 1865.
	CXX.	March 3, 1865.
	CXXI.	March 3, 1865.
	CXXV.	March 3, 1865.

THIRTY-NINTH CONGRESS.

1	I.	December 18, 1865.
	XX.	March 17, 1866.
	XXI.	March 21, 1866.
	XXIV.	April 5, 1866.
	XXXI.	April 9, 1866.
	XLI.	April 12, 1866.
	LXXVI.	May 9, 1866.

List of acts relating to the District of Columbia, &c.—Continued.

THIRTY-NINTH CONGRESS—Cont'd.

Session.	Chapter.	Date.
	LXXIX.	May 10, 1866.
	LXXX.	May 11, 1866.
	LXXXVI.	May 21, 1866.
	XCVI.	May 24, 1866.
	XCVII.	May 24, 1866.
	CIII.	June 1, 1866.
	CIV.	June 1, 1866.
	CXXX.	June 21, 1866.
	CLXXIIV.	July 13, 1866.
	CCXV.	July 23, 1866.
	CCXVI.	July 23, 1866.
	CCXVII.	July 23, 1866.
	CCXVIII.	July 23, 1866.
	CCXXXVI.	July 25, 1866.
	CCXXXVII.	July 25, 1866.
	CCXXXVIII.	July 25, 1866.
	CCXXXIX.	July 25, 1866.
	CCXL.	July 25, 1866.
	CCXLIX.	July 25, 1866.
	CCL.	July 25, 1866.
	CCLI.	July 25, 1866.
	CCLIII.	July 25, 1866.
	CCLIV.	July 25, 1866.
	CCLXIII.	July 26, 1866.
	CCLXXVII.	July 27, 1866.
	CCLXXIX.	July 27, 1866.
	CCXCIV.	July 28, 1866.
	CCCI.	July 28, 1866.
	CCCVII.	July 28, 1866.
	CCCVIII.	July 28, 1866.
	CCCIX.	July 28, 1866.
2	VI.	January 8, 1867.
	XII.	January 22, 1867.
	XVI.	January 31, 1867.
	XVII.	January 31, 1867.
	XXVII.	February 5, 1867.
	XXVIII.	February 5, 1867.
	XXIX.	February 5, 1867.
	XXX.	February 5, 1867.
	XXXI.	February 5, 1867.
	XLVII.	February 18, 1867.
	XLVIII.	February 18, 1867.
	LXI.	February 22, 1867.
	LXII.	February 22, 1867.
	LXIII.	February 22, 1867.
	LXIV.	February 22, 1867.
	LXV.	February 22, 1867.
	LXVIII.	February 22, 1867.
	CLII.	March 2, 1867.
	CLVII.	March 2, 1867.
	CLX.	March 2, 1867.
	CLXI.	March 2, 1867.
	CLXII.	March 2, 1867.
	CLXIV.	March 2, 1867.
	CLXV.	March 2, 1867.
	CLXIX.	March 2, 1867.
	CLXXVI.	March 2, 1867.
	CLXXX.	March 2, 1867.
	CLXXXV.	March 2, 1867.
	CXCII.	March 2, 1867.
	CXCIII.	March 2, 1867.
	CXCV.	March 2, 1867.
	Resolut'n 30.	February 28, 1867.
	Resolut'n 58.	March 2, 1867.

THIRTY-NINTH CONGRESS—Cont'd.

Session.	Chapter.	Date.
	Resolut'n 60.	March 2, 1867.

FORTIETH CONGRES.

Session.	Chapter.	Date.
1	IX.	March 26, 1867.
	XVIII.	March 29, 1867.
	XXII.	March 30, 1867.
	XXIV.	March 30, 1867.
	Resolut'n 24.	March 29, 1867.
	Resolut'n 26.	March 29, 1867.
2	II.	December 20, 1867.
	XIII.	February 25, 1868.
	XXIV.	March 10, 1869.
	XXXIV.	March 27, 1868.
	XLI.	March 31, 1868.
	XLVIII.	May 28, 1868.
	CXVII.	June 27, 1868.
	CXXXVI.	July 7, 1868.
	CXL.	July 13, 1868.
	CXLI.	July 13, 1868.
	CLXXXVI.	July 20, 1868.
	CCXXX.	July 23, 1868.
	CCXXXVI.	July 25, 1868.
	CCXXXIX.	July 25, 1868.
	CCXLI.	July 25, 1868.
	CCLI.	July 27, 1868.
	CCLII.	July 27, 1868.
	CCLIII.	July 27, 1868.
	CCLV.	July 27, 1868.
	CCLXI.	July 27, 1868.
	CCLXII.	July 27, 1868.
	CCLXXVI.	July 27, 1868.
	Resolut'n 3.	January 11, 1868.
3	XIII.	January 22, 1869.
	XXXI.	February 18, 1869.
	CXXVIII.	March 3, 1869.
	CXXXIV.	March 3, 1869.
	CXXXVII.	March 3, 1869.
	CXLVI.	March 3, 1869.
	CXLIX.	March 3, 1869.
	CLI.	March 3, 1869.

FORTY-FIRST CONGRESS.

Session.	Chapter.	Date.
1	II.	March 18, 1869.
	III.	March 18, 1869.
	V.	March 29, 1869.
	XIII.	April 7, 1869.
	XIV.	April 7, 1869.
	XVIII.	April 10, 1869.
2	VI.	January 15, 1870.
	XVII.	February 15, 1870.
	XXXI.	March 25, 1870.
	XXXII.	March 25, 1870.
	XXXIII.	March 25, 1870.
	XXXIV.	March 25, 1870.
	XXXV.	March 25, 1870.
	XXXVI.	March 25, 1870.
	XLVII.	April 6, 1870.
	LIX.	April 22, 1870.
	LX.	April 22, 1870.
	LXI.	April 22, 1870.
	LXII.	April 22, 1870.
	LXX.	May 4, 1870.

List of acts relating to the District of Columbia, &c.—Continued.

FORTY-FIRST CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
	LXXV.	May 4, 1870.
	LXXX.	May 5, 1870.
	LXXXIX.	May 6, 1870.
	XC.	May 6, 1870.
	XCI.	May 6, 1870.
	CVIII.	May 20, 1870.
	CIX.	May 24, 1870.
	CX.	May 24, 1870.
	CXI.	May 24, 1870.
	CXIV.	May 31, 1870.
	CXV.	June 1, 1870.
	CXVI.	June 1, 1870.
	CXVII.	June 1, 1870.
	CXVIII.	June 1, 1870.
	CXXXI.	June 17, 1870.
	CXXXIII.	June 17, 1870.
	CXXXIV.	June 21, 1870.
	CXXXV.	June 21, 1870.
	CXXXVI.	June 21, 1870.
	CXXXVII.	June 21, 1870.
	CXXXVIII.	June 21, 1870.
	CXXXIX.	June 21, 1870.
	CXL.	June 21, 1870.
	CXLI.	June 21, 1870.
	CXLII.	June 21, 1870.
	CLII.	June 23, 1870.
	CLXV.	June 28, 1870.
	CLXVII.	June 28, 1870.
	CLXXVII.	June 30, 1870.
	CC.	July 1, 1870.
	CCVIII.	July 7, 1870.
	CCXII.	July 7, 1870.
	CCXXVIII.	July 8, 1870.
	CCXXX.	July 8, 1870.
	CCLIV.	July 14, 1870.
	CCLV.	July 14, 1870.
	CCXCVIII.	July 15, 1870.
	CCC.	July 15, 1870.
3	VI.	December 22, 1870.
	LI.	February 14, 1871.

FORTY-FIRST CONGRESS—Cont'd.

Session.	*Chapter.*	*Date.*
3	LIII.	February 15, 1871.
	LXII.	February 21, 1871.
	LXXI.	February 25, 1871.
	C.	February 28, 1871.
	CXI.	March 3, 1871.
	CXXXII.	March 3, 1871.
	CXXXVII.	March 3, 1871.
	CXXXVIII.	March 3, 1871.
	CXXXIX.	March 3, 1871.
	Resolution 1.	December 20, 1870.

FORTY-SECOND CONGRESS.

1	I.	March 20, 1871.
	II.	March 24, 1871.
	XXX.	April 20, 1871.
	Resolution 1.	March 20, 1871.
	Resolution 3.	March 24, 1871.
2	XXX.	March 5, 1872.
	XXXVI.	March 5, 1872.
	CXLII.	May 8, 1872.
	CXLVI.	May 9, 1872.
	CLXIV.	May 15, 1872.
	CLXXXIX.	May 21, 1872.
	CCII.	May 23, 1872.
	CCIII.	May 23, 1872.
	CCXXXV.	May 29, 1872.
	CXL.	May 8, 1872.
	CCLV.	June 1, 1872.
	CCLX.	June 1, 1872.
	CCLXXXVII.	June 4, 1872.
	CCXC.	June 4, 1872.
	CCCXV.	June 6, 1872.
	CCCXXII.	June 7, 1872.
	CCCXXXVI.	June 8, 1872.
	CCCXXXIX.	June 8, 1872.
	CCCLXIII.	June 8, 1872.
	CCCCXV.	June 10, 1872.
	Resolution 2.	April 16, 1872.

WASHINGTON CITY, D. C.

Ordinances prior to the termination of charter.

GEORGETOWN, D. C.

Ordinances prior to the termination of charter.

DISTRICT OF COLUMBIA.

Acts of legislative assembly to close of last session.